



Regulation Committee

Tuesday 16th July 2019

2.00 pm

**Council Chamber
Council Offices
Brympton Way
Yeovil, BA20 2HT**

(disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

For further information on the items to be discussed, please contact the Case Services Officer (Support Services) on 01935 462011 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 8 July 2019.

Alex Parmley, Chief Executive Officer



This information is also available on our website www.southsomerset.gov.uk or via the mod.gov app

Regulation Committee Membership

The following members are requested to attend the meeting:

Chairman: Peter Gubbins
Vice-chairman: Tony Capozzoli

Jason Baker
Neil Bloomfield
Adam Dance
Henry Hobhouse

Tony Lock
Sue Osborne
Crispin Raikes
David Recardo

Paul Rowsell
Andy Soughton
William Wallace
Colin Winder

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Information for the Public

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 3 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- County Council, Town or Parish Council Representative
- Objectors
- Supporters
- Applicant and/or Agent

Ward members, if not members of the Regulation Committee, will speak after the town/parish representative.

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

Regulation Committee

Tuesday 16 July 2019

Agenda

Preliminary Items

1. Minutes

To approve the minutes of the previous meeting held on 16th April 2019.

2. Apologies for Absence

3. Declarations of Interest

4. Public Question Time

5. Schedule of Planning Applications to be Determined by Committee (Pages 6 - 7)

6. Planning Application 19/00064/FUL - Land OS 0002 South Of Coat Road Martock TA12 6DF (Pages 8 - 28)

7. Planning Application 17/04328/OUT - Land West of School Lane Ashill Somerset (Pages 29 - 61)

8. Planning Application 18/02588/FUL - Land at Jarman Way Chard Somerset (Pages 62 - 77)

9. Date of Next Meeting

The next scheduled meeting of the Regulation Committee will be held on Tuesday 20th August 2019 at 10.00am. However this meeting will only take place if there is business to conduct.

Agenda Item 5

Schedule of Planning Applications to be determined by Committee

Director: Martin Woods, Director - Service Delivery
 Service Manager: Simon Fox, Lead Specialist - Planning
 Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Regulation Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence no earlier than 2.00 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for the times stated below.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
The following application will be considered no earlier than 2.00pm					
6	MARTOCK	19/00064/FUL	The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping	Land OS 0002 South of Coat Road Martock TA12 6DF	Barratt Homes
The following two applications will be considered no earlier than 3.00pm					
7	NEROCHE	17/04328/OUT	Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)	Land West of School Lane Ashill (nearest Postcode TA19 9ND)	Ian, Clifford & Sandra House, House & Vaux
8	CRIMCHARD	18/02588/FUL	The erection of 23 No. dwellings, means of access and associated works	Land at Jarman Way Chard Somerset TA20 1FB	Stonewater Ltd

Further information about planning applications is shown below and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 6

Officer Report On Planning Application: 19/00064/FUL

Proposal :	The erection of 120 homes together with associated infrastructure including access/highway improvements, drainage and attenuation, play area, open space and landscaping
Site Address:	Land OS 0002 South Of Coat Road Martock TA12 6DF
Parish:	Martock
MARTOCK Ward (SSDC Member)	Cllr Louisa Clarke, Cllr Neil Bloomfield
Recommending Case Officer:	John Millar
Target date :	22nd March 2019
Applicant :	Barratt Homes
Agent: (no agent if blank)	Elise Power Origin 3 Tyndall House 17 Whiteladies Road Clifton Bristol BS8 1PB
Application Type :	Major Dwlgs 10 or more or site 0.5ha+

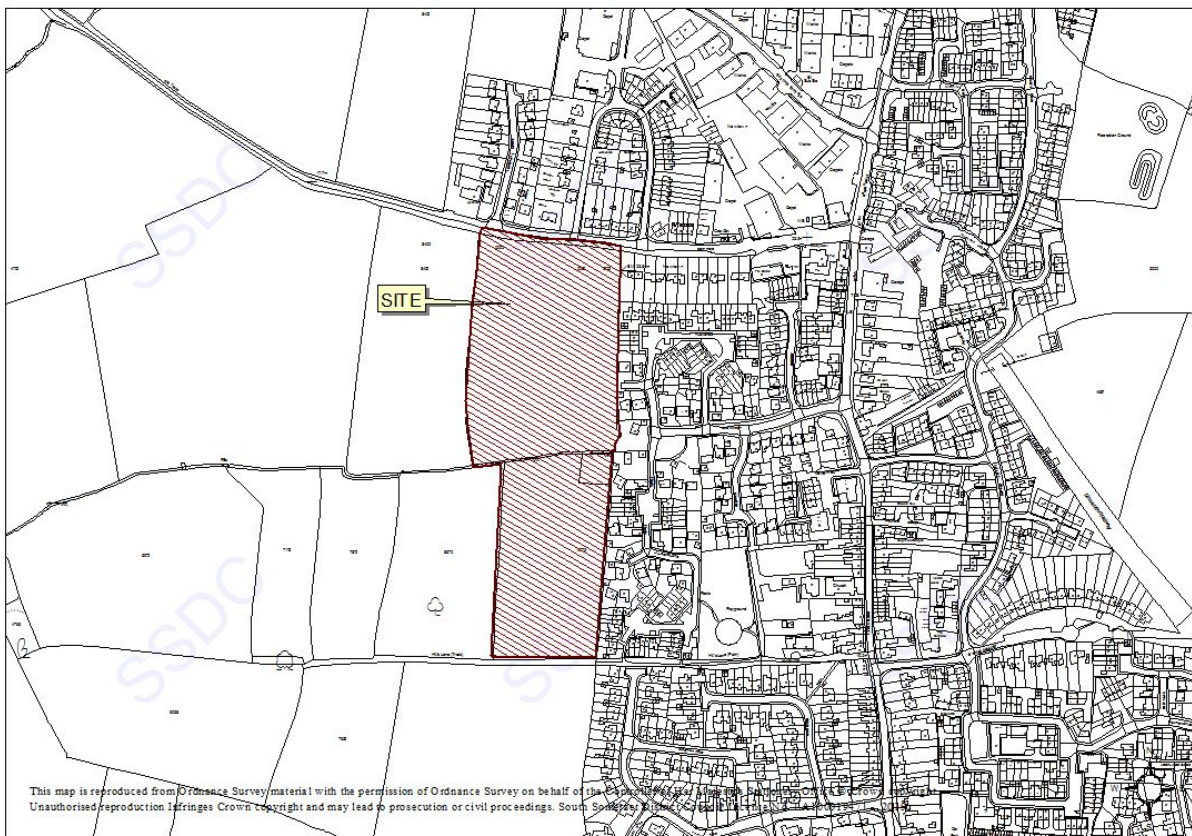
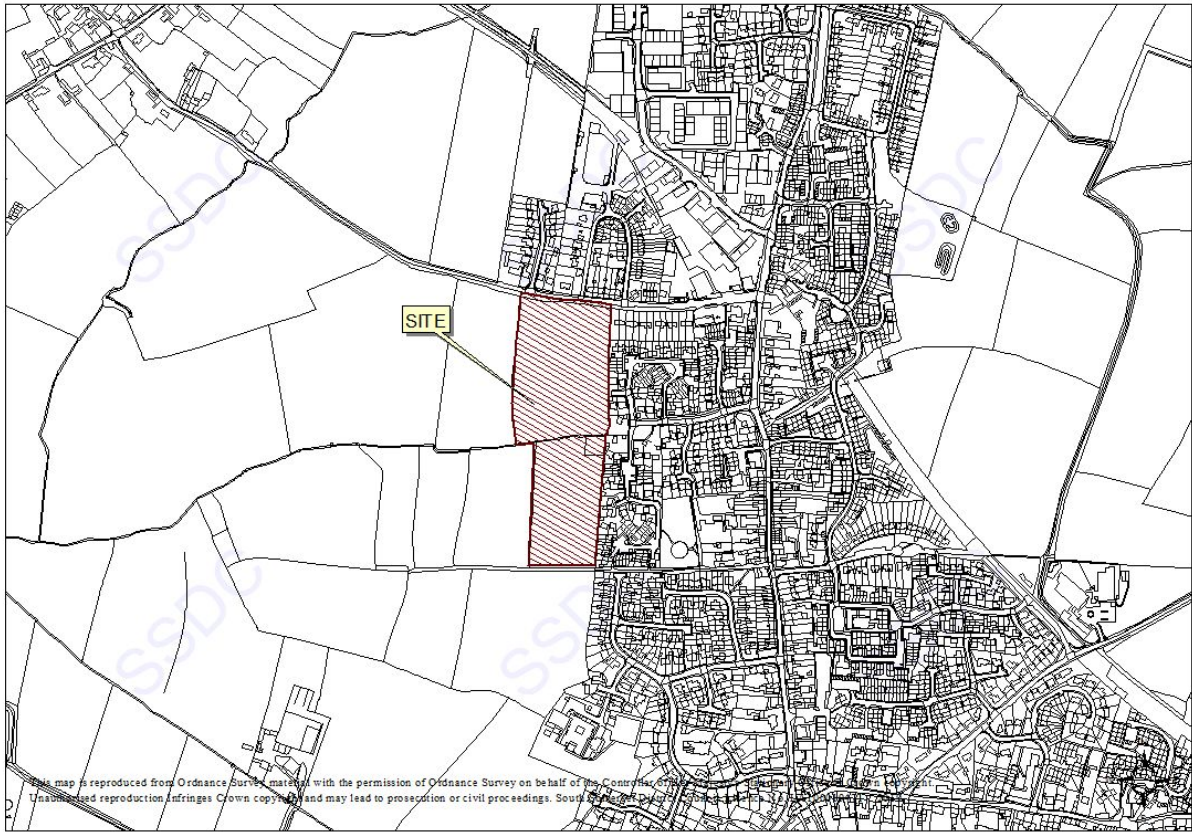
REASON FOR REFERRAL TO REGULATION COMMITTEE

The Area North Committee considered the following report on the 26th June 2019, and resolved to refer directly to Regulation Committee, without debate.

UPDATE

Further responses have been received from County Council Education and from SSDC's Strategic Housing Officer, offering their final comments. As a result, the final requested planning obligations in respect to Education are confirmed, and the Housing Officer has also advised that the proposed affordable housing mix is acceptable. Furthermore, the County Highway Authority have confirmed that the requested Travel Plan should be secured by a S106 Agreement, rather than by condition.

SITE DESCRIPTION AND PROPOSAL



The site consists of two agricultural fields currently in arable use. The two fields slope gently towards a central dividing ditch and are bounded on all sides by hedges of various quality and type. The site is bounded by a variety of residential properties to the north and east of the site, with open countryside to the south and west.

This application seeks full planning permission for the residential development of land, comprising 120 houses. The scheme includes the provision of vehicular access to the north, onto Coat Road, the provision of an on-site play area (LEAP), as well as surface water attenuation features, and landscaped area/informal open space. A range of dwellings are proposed from 1 bedroom apartments to 4 bedroom homes. 42 affordable dwellings are proposed and are spread through the site. A total of 268 parking spaces are proposed, with some provided within garages.

The dwellings incorporate a simple range of materials, comprising different brick types and reconstructed stone for external walls, and a mix of red and grey roof tiles. The layout includes a pedestrian link to the Public Right of Way to the south.

Consent has previously been granted on this site for 95 houses (13/02474/OUT and 15/01021/REM), however these consents have time expired without commencement of the scheme.

This application is supported by:

- Design and Access Statement
- Planning Statement
- Statement of Community Involvement
- Arboricultural Impact Assessment and Method Statement
- Landscape Risk Assessment and Soft Landscape Proposals
- Transport Assessment incorporating Travel Plan
- Flood Risk Assessment and Drainage Strategy
- Ecological Impact Assessment
- Outdoor Lighting Report and Drawings
- Construction Environmental Management Plan
- Site Waste Management Plan

The houses would all be two storey dwellings. There would be:-

- 22 four bedroom houses
- 50 three bedroom houses
- 40 two bedroom houses
- 8 one bedroom units

HISTORY

15/01021/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) Discharge of the remaining conditions on the outline permission will be subject to a separate application, and supplementary information relating to these conditions is included with this application - Permitted with conditions.

14/04206/REM: Residential development of land for 95 dwellings (reserved matters following outline approval 13/02474/OUT) (Details of the appearance, landscaping, layout and scale are the reserved matters) and discharge of conditions 04 (Drainage), 05 (Maintenance of surface water drainage), 06 (Design and specification of access), 07 (Programme of archaeological work), 09 (Scheme for provision and management of 4m wide buffer zone), 10 (Detailed landscape strategy) and 12 (updated report for badgers sett) - Application refused for the following reason:

"The proposed design of the houses and the inclusion of 2 1/2 storey elements is out of character and incongruous with the established development pattern and character of Martock. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan 2006 and the provisions of chapter 7 of the National Planning Policy Framework."

13/02474/OUT: Outline permission granted for residential development of up to 95 dwellings at land south of Coat Road, Martock (access determined with all other detailed matters reserved). An associated Section 106 Agreement covers:

- Provision of Affordable Housing
- Contributions for the provision of Public Recreation and Leisure Facilities
- Education Contributions

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG3 - Provision of Affordable Housing

HG5 - Achieving a Mix of Market Housing

TA1 - Low Carbon Travel

TA4 - Travel Plans

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 4 - Decision Making

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 11 - Making Effective Use of Land

Chapter 12 - Achieving Well-designed Places

Chapter 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 - Conserving and Enhancing the Natural Environment

Chapter 15 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. Where not included below, the full responses are available on the public planning file.

Martock Parish Council: Recommends refusal for the following reasons:

1. That if approved, this application would bring the total number of new dwellings committed or approved in Martock since the start of the current planning period to approximately 326, a figure that is 42% above the indicative target of 230 as set out in the adopted Local Plan 2006-2028, which was described in the Laver's Oak and Ringwell Hill appeal decisions as being a reasonable development over the Local Plan period despite the absence of a 5 year housing land supply. This development would skew the settlement strategy as laid out in the Local Plan.
2. The Martock out-commute is approximately net 60%, a figure significantly higher than comparable settlements and which is detrimental to the economic sustainability of Martock. There is no evidence that this development would lead to significant job creation in the village and would therefore increase commuting numbers even further.
3. The inevitable increase in traffic onto North Street will cause significant peak time difficulties on this already congested road, the village of Ash and through to Stoke Road and Bower Hinton.
4. The detrimental impact on Martock's already oversubscribed Primary School, as stated in the last weeks by the LEA, and the detrimental impact on Martock Surgery which is already under considerable pressure.
5. The Coat Road site is well known for its natural springs and has a drainage ditch, Cobden's Ryhne running through the site. Evidence has shown that the proposed underground storage will be subjected to silting. The proposed use of hydrobrakes will lead to silting and will release excess water compounding downstream flood risk, exacerbated by exceeded SuDs capacity.
6. That the proposed parking space provision has 39 fewer spaces than the SCC Parking Strategy Document guidelines, as adopted by SSDC, require for residential development to provide a parking neutral development.

If the scheme is approved, it is requested that consideration is given to the following:

1. Provision of off-road all-weather footpath/cycle/mobility scooter links to the village.
2. Provision of porous parking and minor road surfaces.
3. Safety improvements to Coat Road and the North Street junction.
4. Cobden's Ryhne should not be culverted other than at the bridge.
5. Indigenous species only in the landscaping design.
6. Reduction in housing number density.
7. Houses that are prominent and visible from Coat Road should have a design and finish that ensures integration with the design of the area.
8. Building orientation should maximise potential of solar power.

County Highway Authority: It is advised that the proposal has been fully assessed by the Highway Authority, and as a result no objections are raised in principle, subject to the imposition of relevant highway related conditions. It is noted that some minor amendments were required, however they can be dealt with during the detailed design process. Two issues were identified, the first being that the autotrack details showed a refuse freighter overhanging the footway at one point. The second related

to the proximity of the initial junction within the site to the main access onto Coat Road. In the case of the first concern, there was a potential risk of vehicle pedestrian collision, however the risk was considered to be limited and not a regular occurrence, as such no objection was raised. Following identification of the second concern, the developer and the Highway Authority undertook Road Safety Audits to understand the full implications of the layout. Neither safety audits made note of this as a concern, as such the layout is considered to be safe. It is also advised that a 600mm wide verge should be provided at the back of the footway prior to the top of the ditch or any earthwork slopes, otherwise that part of the ditch should be culverted. This is a matter that can be confirmed at technical stage however.

SDDC Highway Consultant: Refer to SCC advice.

SCC Rights of Way: No objections. It is noted that a public right of way (PROW) abuts the site to the south (restricted byway Y16/31). It is requested that should the roads be adopted, the links between the site and path Y16/31) should be a bridleway link, which would be capable of allowing access for horse riders and cyclists, as well as pedestrians. This would be secured as part of any S38 adoption agreement.

SCC Minerals and Waste Team: No comment.

SCC Education: The proposed development of 120 homes will generate an educational need for 6 early years places, 39 primary school places and 17 secondary school places. It is advised that nursery providers are short of places, and there is significant pressure on places at Martock C of E Primary. As such contributions of £102,444 were initially requested to provide for the early years provision (£17,074 per pupil), and £665,886 for primary places (also £17,074 per pupil). Following a request for further clarification, it has been confirmed that there is space available for the provision of an additional classroom, with limited work required. The County Education Authority have therefore confirmed that the requested contribution for primary places is expected to be reduced. This figure has not been reported back yet, so a verbal update will be given. It is advised that Stanchester Secondary has capacity so no contributions are requested in respect to secondary education.

SDDC Housing: Would expect 42 affordable units with 34 as social rented and 8 for other intermediate affordable housing solutions. The following property mix is suggested:

Social Rent: 10 x 1 bed, 20 x 2 bed, 3 x 3 bed, 1 x 4 bed (bespoke disabled unit for a family in need)
Other intermediate affordable; 6 x 2 bed, 2 x 3 bed

SDDC Open Spaces Officer: The proposal generates a requirement of 0.46 hectares of Public Open Space (POS), although the site plans identify a slightly lesser amount of 0.41 hectares of useable POS. Notwithstanding this, there are no objections to the layout. To address the slight shortfall on site, Open Space agree to the provision of an off-site contribution towards enhancements at Hills Lane recreation ground and the provision of a mitigation fund, which SDDC will use to enhance the Sustainable Urban Drainage System (SuDs), so they will become a community asset. These enhancements would include suitable landscaping/planting to provide biodiversity and ecological improvements. £3,204.51 is requested towards the off-site contributions and £18,000 towards improving the attenuation features, although this could be reduced by approximately £7,000 if the developer sows the original mix, with the Council's guidance and specification).

SDDC Community, Health and Leisure: Seeks contributions of £ 244,696 towards local facilities, comprising £95,066 towards the provision of on-site equipped play space (LEAP), unless provided by the applicant, £188,066 towards off-site Youth Facilities to be provided at either Bracey Road or Hills Lane, £46,310 towards off-site playing pitches and £84,653 towards off-site provision of changing rooms. £96,732 is requested in commuted sums, and £3,414 as an administration fee.

NHS England: No comments.

Police Designing Out Crime Officer: No objection in principle, however it is suggested that the proposed visitor parking near to the LEAP be reconsidered as this could give anonymity to observe children at play.

Somerset Waste Partnership: No objections. It is noted that bin collection points are included for properties down longer private drives, which addresses any initial concerns.

Natural England: No objections raised - The proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. The Local Planning Authority are reminded that they are expected to assess and consider the possible impacts on biodiversity, local character and protected species. The need for environmental net gain is also identified.

SSDC Ecologist: Satisfied with and generally agrees with the conclusions of the various ecological reports and makes the following comments and recommendations:

BATS: The Ecological Appraisal report states that a possible bat roost is present within an oak tree at the north west of the site. A follow up tree roost survey was carried out by Green Ecology on the 28 March 2019, the results confirmed that the tree is not currently suitable for roosting bats and no specific avoidance, mitigation or compensation measures are required. Otherwise, the Ecologist that light-spill could cause avoidance behaviours for bats commuting and foraging through the site, particularly if light-averse bats use the site. A condition is suggested in respect to the proposed lighting scheme.

GREATER CRESTED NEWTS: The Ecological Appraisal recommended that, as a precautionary measure, eDNA surveys should be carried out prior to any works commencing on site to confirm absence/ presence of great crested newts. Green Ecology carried out a further Great Crested Newt Assessment, including a Habitat Suitability Index, a proposed eDNA sampling on the 15th April 2019. Following assessment of the results, it was concluded that the site's water bodies are considered highly unlikely to support great crested newts and therefore no specific avoidance, mitigation or compensation measures for great crested newts are required. A preventative condition is suggested in respect to reptiles and amphibians.

DORMICE: The Ecological Appraisal suggests the removal of any suitable habitat for Dormice, which is limited to a 10m section of hedgerow, under the supervision of a licenced dormouse ecologist carried out under a mitigation strategy, with enhancements proposed. As the section of hedgerow is limited to 10m, with hedgerow present being improved and new areas planted suggested mitigation will be sufficient to mitigate for the worst case scenario. Therefore in accordance with Cheshire East v Rowland Homes case law further surveys will not be required in this case. A condition is suggested in respect to the works proposed that will remove this 10m of hedgerow.

BADGERS: The construction of the road across the ditch will directly impact on badgers by damaging a sett. The ecology report advises that an artificial sett will be undertaken close to the existing sett, with the closure of the existing sett carried out in accordance with a Natural England Licence. A condition is requested in respect to seeking the necessary licence.

BIRDS: The hedgerows and woodland, identified as being of most value to breeding birds, will be mostly retained as part of the development. Where removal of hedgerow or scrub is proposed (northern and central hedgerows), a vegetation removal conditions is requested.

HEDGEROWS AND WOODLAND: The submitted arboricultural information provides details of protection for existing hedgerows and trees, which is acceptable.

BIODIVERSITY AND PROTECTED SPECIES NET GAIN: The loss and disturbance to the habitats on

site will be compensated for by the provision of retained and managed wildlife areas and infrastructure thus ensuring the proposal provides mitigation and compensation habitat and adheres to enhancement requirements outlined within the National Planning Policy Framework 2017 (NPPF). An appropriate condition is requested to secure these enhancements.

SSDC Tree Officer: No objection in principle. The submitted tree and hedge protection measures are acceptable and should be conditioned. There are reservations in respect to the suggested landscaping scheme, with changes suggested.

SSDC Environmental Protection Officer: No comments.

South West Heritage Trust Archaeologist: No objection in principle, however it is advised that no reference has been made to a geophysical survey and trial trench evaluation carried out in 2013. The trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. For this reason it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). Conditions are requested to this effect.

Environment Agency: No objection subject to the imposition of certain conditions and informatives being imposed on any permission issued.

Lead Local Flood Authority (County Drainage): No objections - The LLFA are satisfied that the submitted Flood Risk Assessment (FRA) and calculations satisfactorily demonstrate that the overall discharge rate can be maintained in line with existing greenfield rates (8.3l/s). It was also noted that the rate, connections and any easements would need to be agreed with the Somerset Internal Drainage Board. There were some initial concerns raised in respect to the use of attenuation crates in addition to the use of a basin, rather than the site being fully attenuated by basins. This related to concerns over the ease of maintenance of these systems. Further information was requested to address these concerns. The applicant confirmed that following discussions with Wessex Water, the proposed attenuation crates would not be adoptable, however details of similar products were provided, which Wessex Water would be happy to adopt. In response to this and accompanying supporting information, the LLFA are content that the proposed drainage strategy is achievable, while limiting discharge to existing greenfield rates. As such, no objections are raised, although the details of the final scheme should be conditioned.

Somerset Drainage Board Engineer: No objections have been raised in principle, although it is requested that trees shown on the plans are removed from the Board's maintenance strip. A condition is requested to agree the details of management and maintenance arrangements.

REPRESENTATIONS

55 letters have been received from local residents of Martock, of which 52 raise objections, and the remaining 3 make general observations. The main points raised include:

- 125 houses is too many for Martock. The village infrastructure is not equipped to deal with the increased number of houses. Local facilities/services (shops, chemist, GP surgery, dentist, school, recreation ground, etc.) are already overloaded. This development will exacerbate the situation. The village infrastructure is not equipped to deal with the increased number of houses. There are also insufficient jobs within the village, leading to increased levels of out-commuting.
- The proposal would lead to a significant increase in housing numbers beyond the Local Plan target of approximately 230 (approx 42% over). There have been other applications refused where the Planning Inspector has dismissed the subsequent appeals, considering that the housing levels proposed

were such that they would unacceptably conflict with Local Plan Settlement Strategy. These were Laver Oak, which would have seen the Local Plan figure exceeded by 50%, and Ringwell Hill, where the figure would have been exceeded by between 32-40%. The Local Plan target of 230 homes equates to 11 houses per year. The scheme therefore represents 11 years supply of housing. In fact it is understood that the number of houses built or with active permission so far in the current Local Plan period is 206, in which case the proposed extra 120 houses would take the number to 326, equivalent of 42% over the target with 9 years remaining.

- The proposal conflicts with elements of the emerging Martock Neighbourhood Plan, particularly in respect to housing numbers and views towards the tower of Martock Parish Church.
- Concerns in relation to the impact of construction traffic, in respect to both highway safety and neighbouring amenity.
- Increased traffic flow using Coat Road and the junction with North Street, is of concern, as congestion is currently an issue in Martock. Concerns in respect to the safety of local cyclists, pedestrians, joggers and dog walkers is raised too.
- The proposed parking provision is below the levels required by the Somerset County Council Parking Strategy.
- Consideration should be given to why the previously approved scheme for 95 homes was not carried out, and whether the development of this site is viable.
- The proposed layout is too high density, and the design of the properties is worse than the previously approved scheme.
- The proposal unacceptably encroaches into greenfield land.
- Concerns raised in respect to historic flooding in the locality, and as to where excess surface water will go. Will existing drains and sewage infrastructure will be able to cope? Concerns are also raised about the ability to maintain the proposed SuDS.
- The site is of great benefit to local wildlife and ecology, which will be adversely impacted.

Applicant's Case

"The application site was previously granted Outline planning permission in 2014 by the Area North committee. The site is also identified in the Local Plan Review Report (February 2019) as a preferred option for residential development.

The consultation process has demonstrated that there are no technical reasons as to why this application should not be supported. Issues such as traffic, drainage and ecology have all been fully addressed as part of the submission.

The proposal will also deliver significant economic and social benefits including 35% (42 homes) affordable housing and financial contributions through the Community Infrastructure Levy and Section 106 agreement.

South Somerset does not currently benefit from the required 5 year supply of housing and therefore policies that seek to guide the location of housing developments are considered to be out of date. This site has previously been granted permission for residential development and has been identified by the Council as being a suitable location for new homes. Supporting new development in this location would contribute towards the Council's supply and would assist in resisting proposals in locations that are not considered to be appropriate."

CONSIDERATIONS

Principle of Development

This application for planning permission seeks approval for a 120 house residential development. The principle of residential development has previously been established on this site, following the earlier grant of outline planning permission 13/02474/OUT, and subsequent approval of reserved matters

application 15/01021/REM. These schemes approved the erection of 95 homes, although these consents have since time expired. Notwithstanding this, the principle of development remains. The South Somerset Local Plan identifies Martock as a Rural Centre and as such has been identified as a sustainable location for growth, particularly where this meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement.

A strategic housing target of 230 dwellings has been proposed over the plan period (2006-2028), of which according to the latest collated figures, 122 were complete (as of March 2018) and a total of 93 committed (as of January 2019), giving a total of 215 homes, subject to updated figures. The number of commitments was previously higher as this included the now expired consent for 95 units. Should the proposed development be approved, the housing numbers would be in the region of 335, exceeding the housing target by 115 units (approximately 46%).

The Parish Council, and many contributors, have objected to the proposal for several reasons, including that there is an over-provision of housing proposed for Martock. With the local plan strategic housing target of 230 dwellings close to being met without taking into account this proposal, and recent appeal decisions (Ringwell Hill and Lavers Oak) telling against large scale increases in the level of housing in Martock so early in the Local Plan period, this is a matter for serious consideration. In these aforementioned appeals, the schemes proposed 49 dwellings and 91 dwellings respectively, equating to a 32% and a 50% increase in housing provision over the strategic housing target. In both cases it was considered that this level of development would comprise an overprovision of housing well beyond the broad levels envisaged for this settlement, thereby constituting a substantial failure to accord with the settlement strategy set out in Local Plan policies SS1, SS4 and SS5. It is notable however that in both cases, other reasons for refusal were also given substantial weight in the final planning balance. In the case of Ringwell Hill, the Inspector adjudged the site to be unsustainably located due to its distance from Martock's key services, while there were significant landscape and local character objections that weighed against the Lavers Oak Scheme.

It is noted that the Local Planning Authority are still currently unable to demonstrate a five year supply of housing sites, a position that has worsened since the Ringwell Hill and Lavers Oak scheme were considered. In the context of the National Planning Policy Framework Local Plan policies SS1, SS4 and SS5 are still considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

Clearly, the housing numbers proposed are significant and do lead to a substantial increase over the housing strategy figure. Notwithstanding this however, it remains the case that the housing figure of 230 dwellings is a minimum, not a maximum, and under Policy SS5, a permissive approach will be taken for housing proposals, in advance of a Site Allocations Development Plan Document. The ongoing inability of the LPA to demonstrate adequate provision of housing land, and its worsening position, does need to be given appropriate weight. It is also noted that despite the increase, the resulting housing numbers would still be under the target stated for the smaller Market Towns within the next tier of the settlement strategy. The settlements of Somerton, Langport/Huish Episcopi, and Castle Cary/Ansford, which are designated as Local Market Towns, all have an identified housing target of 374 homes each. The total of completed and committed housing for Martock would remain below this figure. Furthermore, a recent appeal in Henstridge (Land West of Stalbridge) was allowed, approving up to 130 dwellings in a Rural Settlement. This was not viewed as conflicting with the overall distribution strategy, despite the fact that an increase of this scale would exceed the figures identified in the smallest of the Rural Centres (Stoke Sub Hamdon), where a housing target of 51 houses is allocated.

On the basis of the above, serious consideration has to be given to whether the increase over and above the strategic housing target should be considered so harmful to be unacceptable or considered to

comprise unsustainable development, particularly noting the District-wide shortage in market and affordable housing. Despite there being an adverse impact identified, it is not considered to be so unacceptable as to warrant being a sole refusal reason, noting the benefits associated with the development. As such, it is considered that the development of this site for residential purposes, of the scale identified, could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any relevant policies within the NPPF that provides a clear reason for refusing the development proposed, or any adverse impacts that would significantly and demonstrably outweigh the benefits of the development.

Character and Appearance

Notwithstanding the objections to the number of houses proposed, concerns also have been raised by local residents and the parish council regarding the impact of the proposal on the character of the area, the setting of the nearby heritage assets, specifically views towards the tower of Martock Parish Church, and the wider landscape character. Overall, the principle of developing this site has been considered previously, with permission granted. The site is considered to be one of the few sites beyond the developed edge of Martock that can comfortably accommodate a larger development scheme without having major adverse impacts on local character. In considering the previous approvals, it was noted that the application site was evaluated as having capacity for development in the peripheral landscape study of Martock carried out in 2008, and as a result concluded that there were no landscape issue with the principle of developing the site for housing. The site is visually well contained by existing hedgerows and any development would not be unduly prominent on the wider landscape. In specifically considering the proposed layout and scale of development, it is considered that the proposed scheme is acceptable with residential development laid out either side of a central access road. Despite there being an increase in 25 houses from the previously approved scheme, the development offers a housing mix that is considered more appropriate to meet local housing need, particularly noting local demand for smaller houses. This latest proposal omits any 5 bedroom houses, and significantly reduces the proportion of 4 bedroom homes, in favour of an increase in the number of 2 and 3 bedroom units. As a result, it is felt that the layout and associated mix of housing offers improvements over the previous schemes, despite the greater numbers proposed.

The proposed houses are of a relatively standard design and appearance, however careful consideration has been given to the type, which contain some of the key characteristics found within properties in the local area. The material mix, comprising some reconstructed stone, and red, yellow and buff brick also correspond to materials prevalent within the area, and similar to those approved in more recent schemes within Martock. Overall, it is considered that the design of the dwellings, provides for an appropriate development that is of a scale, proportion and design that adequately respects and relates to established local character.

The proposed layout of the site follows the main principles of the previously approved schemes, with a central spine road from the proposed access to the north to the south of the site. The built development is mainly concentrated on the north and south of the two fields, which are separated by an existing ditch. It is proposed to provide a central area of open space, which will contain the formal play area, informal open space and also two new surface water attenuation ponds. Further public open space will be provided to the north and south extremities of the site. As a result, the proposed scheme is considered to provide a quality residential development with a good mix of public open space, which offers opportunities to create a green buffer with Coat Road and also to provide a green focal point at the centre of the site.

The proposed layout allows for an overall level of parking to the satisfaction of the County Council Highway Authority. The relationship between the dwellings along the east boundary of the southern part of the site and those in the adjoining Hills Orchard development has also been considered and the relationship is deemed to be acceptable. The Police Designing Out Crime Officer is generally satisfied with the scheme, although they have recommended the removal of parking spaces adjoining the LEAP

to avoid the risk of anonymous persons being able to view children playing. At this point, no amendments have been made to the parking layout, however this could be done by adding a condition requiring a final parking layout to be agreed.

The proposal is supported by a comprehensive hard and soft landscaping scheme. The hard landscaping includes the use of brick walls and railings for boundaries onto the public domain, along with open grass frontages, which will soften the overall appearance of the site and maintain a high quality finish in the long-term.

The proposed landscaping scheme retains the existing mature boundary hedging, and also proposed to fill in gaps, such as those on the boundary between the existing and proposed dwellings in the southern part of the site. The Council's Tree Officer has commented on the new planting scheme throughout the site, and suggested some changes, although this can be addressed by condition. Otherwise, suitable tree and hedge protection measures are included to the satisfaction of the Tree Officer.

Flooding and Drainage

There is a history of surface water flooding within Martock, both within and around the site, and further afield. Concerns have again been raised in respect to surface water runoff, the effectiveness of the proposed drainage strategy, and future management and maintenance arrangements and responsibilities. As a starting point, the proposed strategy includes the provision of two new attenuation ponds within the site but also includes underground attenuation measures too. The Lead Local Flood Authority (LLFA), who are now the Statutory Consultee on these matters, are satisfied that the strategy would restrict surface water runoff into the adjoining ditch to greenfield rates of 8.3l/s. There were some questions marks over the use of underground attenuation crates, and the ability to effectively maintain them, however the applicant has provided further information to the LLFA, following discussions with Wessex Water, in which details of alternative underground attenuation products have been provided, which Wessex Water would be able to adopt. As such, the LLFA are satisfied in principle, however have noted that there is a further need to agree rates of discharge, etc with the Parrett Internal Drainage Board. The Drainage Board have also provided comments, also raising no objections in principle. A condition was requested in relation to maintenance and management arrangements, details of which will be requested alongside the final drainage scheme.

Overall, the drainage strategy gives sufficient reassurance that the site can be effectively drained, with conditions proposed for the agreement of the final detailed drainage scheme, along with details of future ownership and maintenance. In this respect, it is anticipated that Wessex Water would adopt the elements of the surface water system that they can, with the remaining elements, such as the attenuation features to be handed over to a management company.

Highways

As with the previous schemes, a large number of concerns have been raised by neighbouring occupiers, and the Parish Council, regarding the potential impact of the proposed development on the surrounding highway network. In particular concern has been raised about the volume of traffic the scheme will generate and the various impacts this extra traffic will have. The County Highway Authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal and have raised no objection in respect to impact on the local highway network. In considering the layout, there are some minor matters that may require amendment, however it is advised that these may be dealt with at technical approval stage. A few minor safety concerns were also identified, however following the undertaking of Road Safety Audits by both the applicant and Highway Authority, these were not considered to raise significant concerns to warrant refusal of the scheme.

It is noted that there are some concerns raised by local residents in respect to the levels of parking, as these are short of the County Council Parking Strategy optimum standards, however the Highway Authority have not raised this as a matter of concern. Each property is served by 2 or 3 parking spaces, which is considered to be acceptable, particularly noting the relatively close proximity, and accessibility of the local services.

Subject to the imposition of suggested conditions, and consideration of the final detailed design post-approval, the Highway Authority are satisfied with the proposed development.

There is also a public right of way, running to the south of the site, with a link proposed from the development site. The County Rights of Way Officer has raised no objections but advised that the link should be made a bridleway, which would allow its use by horse riders and cyclists. These matters would be dealt with alongside any Section 38 adoption agreement with the County Highway Authority.

Residential Amenity

Consideration has been given to the impact on adjoining residents, particularly those occupying properties along Coat Road, and on the western edge of Hills Orchard, however the proposal is appropriately laid out to avoid unacceptable harm through any direct overlooking or other impact. As such, it is considered that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers.

Ecology

Some concerns have been submitted by neighbouring occupiers and supported by the comments of the parish council in relation to the impact of the proposal on local ecology. Notwithstanding this however, other than the removal of a section of 10m of hedgerow, the existing structural landscaping, comprising large hedgerows and trees around the site will remain, preserving much of the existing habitat. In support of the application, a comprehensive assessment has been made of the ecological constraints, with the findings of the submitted ecological reports, and their recommendations supported. There will be some damage to an existing badger sett, however any works to relocate badgers to a new sett will need to be carried out fully in accordance with Natural England regulations and guidance. Similarly other protective measures, mitigation and biodiversity enhancements will be carried out in accordance with submitted details. On this basis, neither the Council's Ecological Consultant, nor Natural England raise any objections.

Natural England have also given consideration to the impact on the Somerset Levels and Moors Special Protection Area, with the conclusion being that the proposed development will not have likely significant effects, and therefore they have no objection to the proposed development. To meet the requirements of the Habitats Regulations, it is however advised that the decision on whether a likely significant effect can be ruled out is recorded. The following justification is suggested:

"The Ecological Impact Assessment (EclA) considers the Somerset Levels & Moors designated site and concludes that impacts are not likely to occur; the rationale for this is set out in paragraph 4.1:- The Somerset Levels and Moors SPA/Ramsar is designated for birds and therefore sensitive to disturbance such as dog walkers or other recreational activities. The Site is well linked to a network of footpaths in the surrounding area and it is therefore considered unlikely that residents would travel specifically to areas of the SPA for recreation. No significant impacts are therefore predicted. Given the distance between the Site and the SPA/Ramsar no impacts during construction are predicted."

Overall, the proposal, which includes details of appropriate avoidance, mitigation and compensation measures, is not considered to have an adverse impact on the local ecology or protected species so as to warrant refusal of the scheme.

Archaeology

The South West Heritage Trust were consulted as to the impacts of the development on any archaeology in the area. No objections were raised to the proposal, however it was noted that a geophysical survey and trial trench evaluation had been carried out in 2013, of which no reference had been made in this application. It was advised that the trial trench evaluation demonstrated that two significant concentrations of archaeological features were present at the northern and southern ends of the application area. These included a series of enclosure and boundary ditches containing concentrations of pottery. This evidence was indicative of Iron Age and Roman settlement activity. This is not considered to be a constraint to development, however it is recommended that the developer be required to archaeologically excavate the heritage asset and provide a report on any discoveries made. Conditions are requested to this effect.

Planning Obligations

SSDC Community, Health and Leisure, and County Education

The SSDC Community, Health and Leisure department have sought contributions towards local outdoor playing space, sport and recreation facilities of £344,842 (£2,874 per dwelling). This includes contributions towards the provision of on-site equipped play, off site youth facilities, playing fields and changing rooms, as well as commuted sums for ongoing maintenance of the facilities. This can be reduced however, as the applicant intends to provide and maintain the LEAP (on-site equipped play). The reduced amount would equate to £193,365 (£1611 per dwelling).

Open Space

£3,204.51 is requested to make an off-site contribution to address a slight shortfall in on-site public open space. This would go towards enhancements at Hills Lane recreation ground. The provision of a mitigation fund is also requested, to enhance the Sustainable Urban Drainage System (SuDs). A contribution of £18,000 is sought in this respect, although this could be reduced by approximately £7,000 if the developer carries out some of the work, with the Council's guidance and specification)

Education

County Education initially sought contributions of £102,444 for the early years provision (£17,074 per pupil), and £665,886 for primary places (also £17,074 per pupil). They have since confirmed that the request for primary places can be reduced as there is space available for the provision of an additional classroom, with limited work required. The final figure has not been reported back yet, so a verbal update will be given to members.

Affordable Housing

SSDC Strategic Housing have requested, on the basis of their policy requirement of 35% affordable housing, split 80:20 social rent: intermediate, the provision of 42 affordable units, of which 34 should be for social rent, and 8 for other intermediate affordable housing solutions. The following property mix is proposed:

Social Rent;

10 x 1 bed

20 x 2 bed

3 x 3 bed

1 x 4 bed - (bespoke disabled unit for a family in need)

Other intermediate affordable;

6 x 2 bed
2 x 3 bed

In submitting the application, the applicant proposed a mix of 8 x 1 bed, 26 x 2 bed and 8 x 3 bed, the proposed split being 67% social rent to 33% intermediate products. It is noted however noted that this differs from the current request of 80:20 social rent: intermediate, which it is stated is evidenced by the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016). The applicant has agreed to change the tenure split to 80:20, however the property mix remains as submitted, which does differ from the mix proposed by the Strategic Housing Officer. Despite this, in terms of the numbers proposed, the proposal does provide a suitable level of affordable housing, and while the sizes differ from that requested, it is questionable whether this would warrant a recommendation of refusal, particularly noting the 5 year land supply issues. An update on the Strategic Housing view will be sought prior to committee.

Community Infrastructure Levy (CIL)

The proposed development will also be liable for Community Infrastructure Levy (CIL) payments, which cover some of the strategic facilities requested earlier.

Planning Balance and Conclusion

The principle of developing this site has previously been established, and there have been no significant changes in Local or National planning policy to alter this view. The scheme has been assessed and is considered to be generally acceptable, with most of the key considerations satisfied. The main issue outstanding relates to the increase in numbers proposed on site, in respect to the impact that this will have on the settlement strategy. Weight has been given to the previously dismissed appeals in Martock (Ringwell Hill and Lavers Oak), however significant weight also has been apportioned to the Council's worsening 5 year housing land position, and the most recent appeal at Henstridge. In assessing this against the NPPF requirement that where the most important policies for determining the application are out of date, planning permission should be granted unless *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole*, it is considered that the harm identified by exceeding the housing target for Martock to the degree proposed is not such to outweigh the benefits. It is also noted that the applicant seeks to demonstrate their commitment to delivering the housing benefits promptly by requesting that any consent be restricted to commencement within one year. Should consent be granted, this condition will be imposed.

In all other aspects, the development is considered to be acceptable and thereby comprises an appropriately designed scheme that will form an acceptable addition to Martock, without adversely impacting on local flood risk, ecology, archaeology, surrounding landscape character, residential amenity and highway safety.

RECOMMENDATION

The application be approved subject to:-

(i) The prior completion of a Section 106 planning obligation (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued, to secure the following:

(a) Secure a contribution of £193,365 towards the provision of sport, play and strategic facilities (to the satisfaction of the Local Planning Authority);

b) Ensure the provision, including future ownership and management of an outdoor equipped play area, to accord with SSDC LEAP specifications, (to the satisfaction of the Local Planning Authority);

c) Secure a contribution of £3,204.51 towards the provision of off-site public open space enhancements and £18,000 (or reduced amount, if the developer carries out some of the work, with the Council's guidance and specification) towards a mitigation fund to enhance the Sustainable Urban Drainage System (SuDs) (to the satisfaction of the Local Planning Authority);

d) Secure a contribution of £102,444 towards early years places to the satisfaction of Somerset County Council. A contribution towards primary places will also be required with final figure to be updated;

e) Ensure at least 35% of the dwellings are affordable with an appropriate tenure split (to the satisfaction of the Local Planning Authority); and

(ii) conditions, as set out below:

01. Notwithstanding the local concerns, the proposed development proposed in this sustainable location is considered to be acceptable by reason that it respects the character and appearance of the area and would not be harmful to general visual amenity, residential amenity, ecology, archaeology or highway safety, without compromising the provision of services and facilities in the settlement, and provides for appropriate drainage mitigation. As such the proposal complies with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990, and to demonstrate the applicant's commitment to delivering the proposed housing in a timely manner.

02. Unless where superseded by any of the following conditions, or by the obligations contained within the accompanying Section 106 Agreement, the development hereby permitted shall be carried out in accordance with the approved plans listed within the 'Drawing Register' listed within email correspondence dated 7th June 2019 (from Elise Power to John Millar).

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Details of the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each element of the proposal respectively;

a) details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs, including details of roof verge finishes;

b) details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any roof lights) and doors;

c) details of position and colour finish of meter cupboards, gas boxes, rainwater goods, soil and waste pipes (soil and waste pipes are expected to be run internally).

Once approved such details shall be fully implemented and thereafter shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

04. No development shall be commenced until details of the surface water drainage scheme based on sustainable drainage principles together with a programme of implementation, management and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. The submitted details shall also include a management and maintenance plan, which shall include, details of land ownership, maintenance responsibilities, a description of the system, the identification of individual assets, services and access requirements, and details of routine and periodic maintenance activities. The scheme shall subsequently be implemented in accordance with the approved details before any of the dwellings hereby permitted are first occupied. Following its installation such approved scheme shall be permanently retained, managed and maintained thereafter, in accordance with the details agreed.

Reason: In the interests of highway safety and to ensure that the development is served by a satisfactory system of drainage, in accordance with policies TA5, EQ1, EQ2 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

05. The works, including groundworks and vegetative clearance, shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
- a) a copy of the licence issued by Natural England pursuant to The Protection of Badgers Act 1992 authorising the development to go ahead; or
 - b) a statement in writing from the ecologist to the effect that he/she does not consider that the development will require a licence.

Reason: In the interests of a UK protected species and its resting places, and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

06. All external lighting shall be installed strictly in accordance with the specifications and locations set out in the design (Designs For Lighting LTD, Document Ref. 0906-DLF-LC-001-A, Dec 2018) as submitted and shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

07. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the 10m hedgerow section to be removed and any trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

08. Prior to clearance (same day) the 10m section of hedgerow to be cleared will first be inspected by a suitably qualified ecologist for presence of any nests or any other evidence of dormice. If hedgerow removal is undertaken between **May and October**, then following the hedge being found clear of any evidence of dormice it will be removed by hand and by mechanical excavator under the supervision of a suitably qualified ecologist. If hedgerow removal is to begin outside of these months, then it must be undertaken in two stages. Firstly any trees and shrubs within the section of hedgerow to be cleared will be cut down to 1m high above ground level, leaving trunks and root systems intact, between **November and March** inclusive, to avoid the period when dormice might be found in nests above ground and when the foliage on the vegetation is minimal. The clearance will be undertaken sensitively by hand using hedge cutters and saws. All cut material will be removed from the site. The second phase of the hedge removal will involve the removal of the root bases of the cleared trees and shrubs. This will be undertaken between **May and October**, when the animals are active and able to respond immediately. Clearance of the hedge will be undertaken by hand and by mechanical excavator under the supervision of a licensed ecologist. If any evidence of dormice is found all work will immediately cease and Natural England contacted. A letter confirming the successful undertaking of the hedgerow section will be sent to the LPA.

Reason: In the interests of a UK and European protected species. To ensure the development contributes to the Government's target of no net biodiversity loss and to provide gain where possible as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

09. Any works in the existing attenuation basin should be undertaken with care to avoid unnecessary harm to amphibians and reptiles encountered. Any animals found should be carefully moved to a nearby place of safety. In the unlikely event that a great crested newt is encountered, works must stop and Natural Consulted. If habitat management to the attenuation basin is required, e.g. strimming, this should be undertaken in winter, or at other times of year to a height of at least 50mm.

Reason: Reptiles and amphibians species are afforded protection from intentional and reckless killing or injury under the Wildlife and Countryside Act 1981 (as amended). Outside the period from April to October these species are likely to be in torpor or hibernation when disturbance is likely to pose a risk to survival.

10. The scheme hereby approved shall be carried out in accordance with the details and recommendations identified with the submitted Landscape Management Plan (Golby and Luck - Ref. GL1040, dated 20th December 2018) and the submitted Ecological Impact Assessment (Green Ecology - Ref. 0748-EclA-FM, dated December 2018).

Reason: To ensure the development contributes to the Government's target of no net biodiversity loss as set out in the National Planning Policy Framework; policy EQ4 of the South Somerset Local Plan (2006-2028); and the council's obligations for biodiversity under the Natural Environment and Rural Communities Act 2006.

11. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures prepared by Green Ecology (Ref: 0748-AMS -AE & 0748/TPP pp1-3) shall be installed in their entirety and made ready for inspection. Prior to commencement of the development, the suitability of the tree and hedgerow protection measures shall be confirmed in-writing by a representative of the Council (to arrange, please contact us at planning@southsomerset.gov.uk or call 01935 462670). The approved tree and hedgerow protection measures shall remain implemented in their entirety for the duration of

the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees) in accordance with the policies EQ2, EQ4 and EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

12. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development hereby permitted or after the development hereby permitted is first brought into use, whichever is sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

13. Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of phasing of the investigations, the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

14. No building shall be occupied within a phase as set out within the WSI until the site archaeological investigation for that phase has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured.

Reason: In the interests of safeguarding any archaeological remains on the site and in accordance with Policy EQ3 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

15. The scheme hereby approved shall be carried out in accordance with the details contained within the submitted Construction Environmental Management Plan (BDW Exeter, dated December 2018), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard residential amenity and highway safety, in accordance with policies TA5 and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

16. The proposed estate roads, footways, footpaths, tactile paving, cycleways, verges, junctions, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details

to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

17. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

18. The area allocated for parking and turning on the submitted plans unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be kept clear of obstruction used only for parking and turning of vehicles in connection with the development hereby permitted. The approved parking spaces shall be provided before each dwelling to which they relate are first occupied.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

19. Prior to the occupation of any part of the development hereby permitted, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

20. At the proposed access onto Coat Road, there shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 48m to the west and 54m to the east of the access. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

21. The proposed new residential development shall include 16amp electric charging points for electric vehicles, accessible to all residences, details of which shall have been submitted to and approved in writing by the Local Planning Authority prior to any part of the development hereby permitted being first occupied, as required by Policy TA1 (ii) (low carbon travel) of the adopted South Somerset Local Plan and paras 35, 93 and 94 of the NPPF. Once approved, such details shall be completed and maintained in accordance with the details and timetable agreed.

Reason: To ensure that the development is resilient and sustainable in accordance with policy TA1 of the South Somerset Local Plan (2006-2028) and the provisions of the National Planning Policy Framework.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk.

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

03. During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any trenches will need a means of escape, for example a plank or sloped end, to allow any animals to escape.

04. The applicant is advised that prior to works commencing onsite Land Drainage Consent is required under section 23 and 66 of the Land Drainage Act 1991, from the Parrett Internal Drainage Board for any construction in or within 9m of a watercourse and for the introduction of additional flow into a watercourse in the Board's District.

05. Water efficiency measures should be incorporated into this scheme. This conserves water for the natural environment and allows cost savings for future occupants. The development should include water efficient systems and fittings such as: dual-flush toilets; water-saving taps; water butts; showers and baths. Greywater recycling and rainwater harvesting should also be considered.

06. Safeguards should be implemented during the construction phase to minimise the risks of pollution and detrimental effects to the water interests in and around the site. Such safeguards should cover the use of plant and machinery, oils/chemicals and materials; the use and routing of heavy plant and vehicles; the location and form of work and storage areas and compounds and the control and removal of spoil and wastes. We recommend the applicant refer to our Pollution Prevention Guidelines, which can be found at: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>.

07. If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility. If the applicant require more specific guidance it is available on our website <https://www.gov.uk/how-to-classify-different-types-of-waste>.

Agenda Item 7

Officer Report On Planning Application: 17/04328/OUT

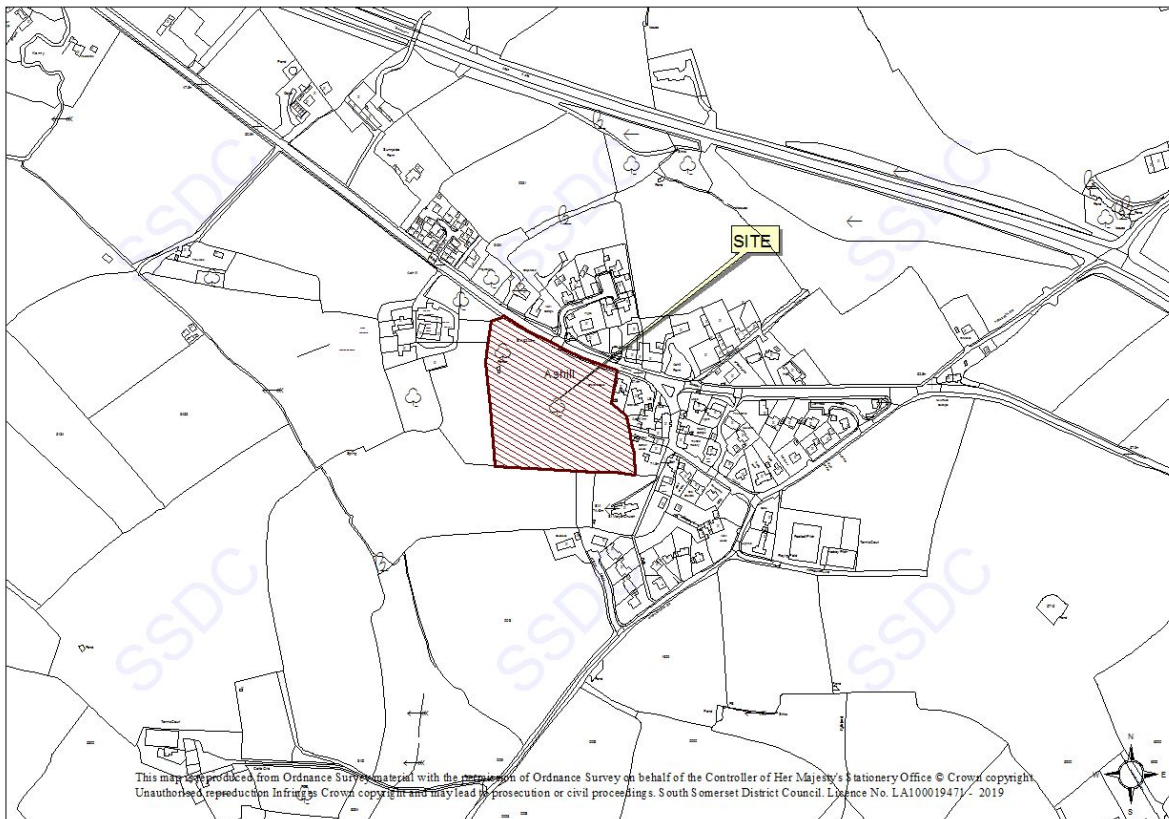
Proposal :	Erection of 10 dwellings and associated works including the formation of 2 No. accesses (outline)
Site Address:	Land West Of School Lane Ashill (nearest Postcode TA19 9ND)
Parish:	Ashill
NEROCHE Ward (SSDC Member)	Cllr Linda P Vijeh
Recommending Case Officer:	Linda Hayden
Target date :	1st February 2018
Applicant :	Ian, Clifford & Sandra House, House & Vaux
Agent: (no agent if blank)	Mrs Claire Alers-Hankey Winchester House Deane Gate Avenue TAUNTON TA1 2UH
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

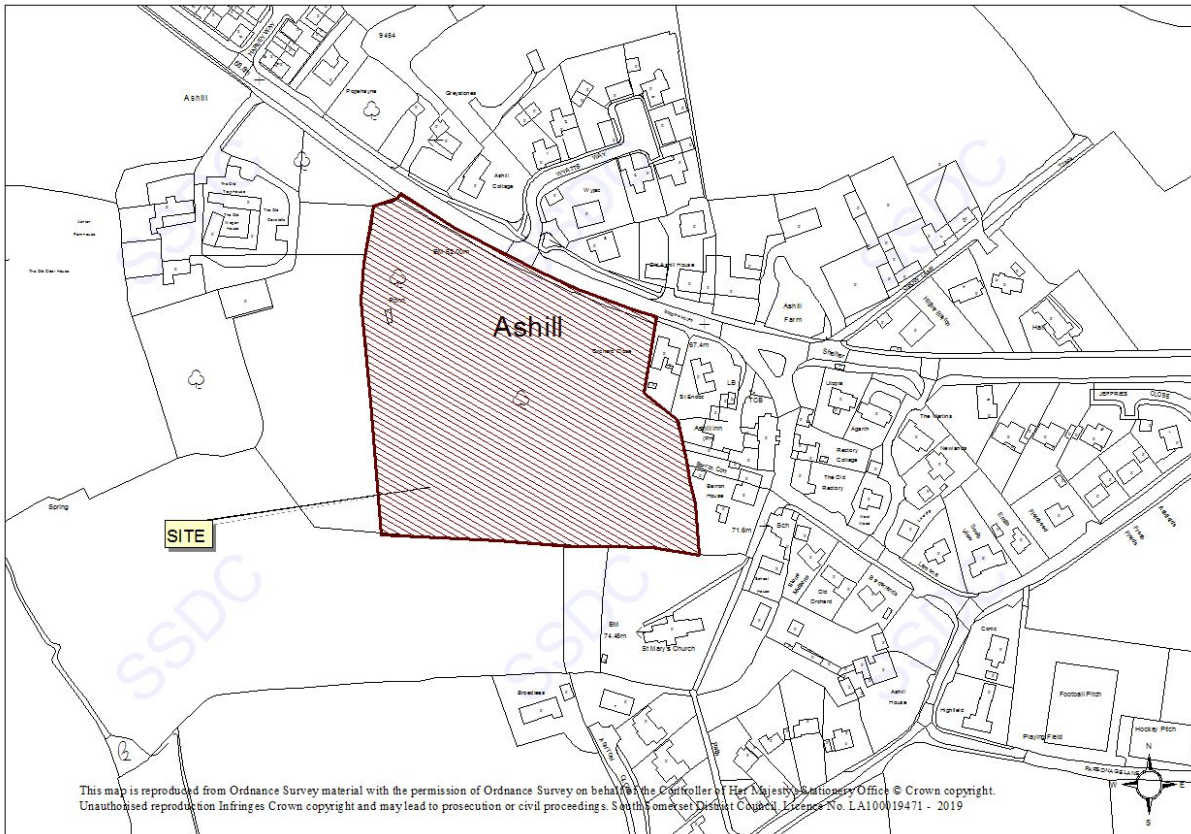
REASON FOR REFERRAL TO REGULATION COMMITTEE

The Area West Committee considered the following application on the 19th June 2019 and resolved to defer the application, minded to refuse for the following reasons:

The proposed development would result in harm to the setting of the Grade II Listed Church of the Blessed Virgin Mary and the public benefit of the scheme does not outweigh this harm. The proposal is therefore contrary to Policy EQ3 of the South Somerset Local Plan 2006-2028 and advice contained within the NPPF.*

SITE DESCRIPTION AND PROPOSAL





The site, which is around 1.2 hectares, is located on the western side of the village of Ashill, and is bounded by the main road through Ashill on the northern boundary, residential development to the east, the Grade II* listed Church of the Blessed Virgin Mary to the southeast and agricultural land to the south and west. The topography of the site slopes gently downwards from the eastern side of the site closest to the village centre, to the west away from the village.

The site comprises agricultural land used for grazing and is an old apple orchard which is covered by an area Tree Preservation Order (TPO).

The site is served by a vehicular access into the site off the old A358 that passes through the village. There is a public footpath which runs just to the south of the southern boundary hedgerow of the site in an east/west direction Ref: CH1/11.

PROPOSAL

This is an outline application for the erection of 10 dwellings to the east of the site to be served via a new access. The matters of access and layout are for consideration at the outline stage, with the matters of appearance, scale and landscaping saved for the reserved matters stage.

The proposed dwellings would be located along the eastern side of the site with the estate road running north to south to the west of the dwellings. The remainder of the site would be left undeveloped but an access is proposed off the new estate road to provide access to the orchard.

This is an amended application from that originally proposed. The original plans proposed a larger development for 26 dwellings that extended further to the west of the site along the road frontage. The original plans also included a car park for use by the church and school with a link to the public footpath (these elements have been withdrawn from the amended scheme.)

HISTORY

830042 - Outline: Residential development of land adjoining 'Orchard Close', Main Road, Ashill, Ilminster. Refused 1983.

53326/A - Erection of dwelling and formation of vehicular access. Refused 1974.

53326 - Development of land for residential purposes, construction of service road and turning spaces and formation of vehicular access. Refused 1961.

42325 - Formation of vehicular access. Approved 1958

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Relevant Development Plan Documents

South Somerset Local Plan (Adopted 2015)

SD1 Sustainable Development

SS1 Settlement Strategy

SS2 Development in Rural Settlements

SS5 Delivering New Housing Growth

SS6 Infrastructure Delivery

HG3 Provision of affordable Housing

HG5 Achieving a mix of Market Housing

TA1 Low Carbon Travel

TA5 Transport Impact of New Development

TA6 Parking Standards

HW1 Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in new Development

EQ1 Addressing Climate Change in South Somerset

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

Policies HG3 (and HG4) of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it is no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 8 - Promoting Healthy and Safe Communities

Chapter 12 - Achieving well-designed Places

Chapter 14 - Meeting the challenge of Climate Change, flooding and coastal change

Chapter 15 Conserving and Enhancing the Natural Environment

Chapter 16 - Conserving and Enhancing the Historic Environment

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) in relation to decision taking is engaged, this states:-

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."

Somerset County Council adopted Parking Standards

CONSULTATIONS

Ashill Parish Council:

(First response, 30 November 2017):

'Principal

The site is historically an ancient orchard and is situated in a rural location at the edge of the centre of the Ashill settlement. Ashill is predominately made up of individual properties and small scale housing developments located around the Parish. The Parish Council has concerns regarding the size, design and access of the proposed development which is considered to be out of character, unneighbourly and overbearing in the context of the rural settlement, grade II listed church and adjacent properties - some of which are single storey. There is another significant development proposal in the Parish which is currently being considered by South Somerset District Council - 17/03800/OUT - Windmill Hill Lane - but the Parish of Ashill has no demonstrable need for the proposed number and mix of dwellings to be delivered in either or both of these proposed developments. A drop-in session was held by the Planning Agent in order to engage with the community regarding this proposal but the Parish Council is disappointed that the Agent has not engaged with the members of the Council as a corporate body.

Sustainability

The site is remote from local key services - the Parish did have a limited bus service but this has now been terminated, there is no shop, no youth facilities, children have to be transported to senior school and there are few employment opportunities - these are needs on a daily basis which means it would be necessary for the development to be constantly served by private and commercial vehicles and

therefore Ashill cannot be considered to be a sustainable location in transport terms. It is considered that the temporary employment opportunities which would be generated by the planning and construction of this development would be of little, or no, benefit to the residents of Ashill. There are also concerns as to whether the current broadband and electricity infrastructure actually has the capacity to service the requirements of an additional 26 dwellings (which could be up to 56 - in the event of planning permission also being granted for 17/03800/OUT - Windmill Hill Lane). The Parish Council therefore wish to make the request for the utility companies to be fully consulted regarding this infrastructure provision.

Landscape / Wildlife Impact

The Parish Council considers the proposed development - which would extend the development line of the settlement of Ashill along this side of the old A358 - would adversely affect the setting of the grade II listed church and identity of the rural village. There are concerns regarding the loss of an ancient orchard and as a consequence the impact this would have on the flora and fauna. The site is considered to be of significant interest with regard to wildlife - including newts, toads and grass snakes - and bats and barn owls during the night time/darkness hours. The Parish Council is pleased to note an additional wildlife survey is to be requested by SSDC and wish to make the request that this survey is also carried out during night time/darkness hours.

Highway Safety / Parking

The existing road network is considered to be not adequate enough to accommodate the additional residential traffic. There are also uncertainties regarding the future of the local road network due to the proposed upgrading of the A358 which could create a further increase in vehicle movements along the old A358 carriageway. Neither the proposal to create a new footpath at the back of the proposed development, nor the existing footpath adjacent to the old A358 / proposed development, addresses highway safety concerns for all users of the road network in the area of the church/school/playing field where there are no footways and limited visibility. It is considered that insufficient provision has been made for parking within the proposed development and along with the proposed design - i.e. some garages and driveways to be at the rear of the properties - it could encourage parking adjacent to the old A358 carriageway. The Parish Council therefore wish to make the request that Highways are fully consulted regarding these highway safety concerns and this should include a projection of how the road network could be affected by the A358 upgrading proposals.

Drainage

There are concerns regarding whether the surface water drainage could be managed in a sustainable way whilst not creating an adverse impact on existing properties and elsewhere. It is understood the geology of Ashill is made up of impermeable clay and - along with the sloping topography - there are concerns about introducing another built area which could cause more surface water flooding. There was an incident of flooding - which caused significant damage to properties located at Kenny during 2008 - due to surface water running down to the river and causing it to overflow. There are also concerns regarding the sustainable management of foul drainage and sewage treatment which is already an issue in the Parish. The Parish Council therefore wish to make the request that Wessex Water is fully consulted regarding these drainage concerns.

Environmental / Historical / Archaeological Impact

It is considered that the proposal would have an adverse impact on the residential amenity and privacy of the surrounding properties. There are concerns regarding the environmental impact due to the increased noise, light and air pollution which would be caused by this development. The site is also considered to be of interest in the context of history and archaeology. The Parish Council therefore wish to make the request that full surveys are carried out with regard to these issues.

Planning Policy

SSDC is currently reviewing the South Somerset Local Plan - adopted in March 2015 - to cover the period 2014-2034. The current Local Plan Policy SS2 deals with development in rural settlements but

this policy appears to be having little, or no, weight which it is understood is due to the lack of a five year housing land supply. The policy requires that development should be commensurate with the scale and character of the settlement, provide employment opportunities, community facilities, meet identified housing need and increase the sustainability of a settlement in general. This policy should be a key part of the spatial distribution strategy for housing in South Somerset but more housing has been delivered during the first 11 years of the Local Plan period in rural settlements than had been envisaged. The question of housing developments was raised during the Prime Minister's question time in the House of Commons on Wednesday 22 November 2017 and one of the answers Mrs May gave was that "we need to have right infrastructure in place before large housing developments can take place".

Conclusion

*Ashill Parish Council is of the opinion that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support a large housing development. Having given consideration to material planning considerations the Parish Council resolved that the level of development is not appropriate for Ashill and unanimously **objects** to this proposal.'*

In response to amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018), the Parish Council maintained their objection advising:

Drainage Strategy

Ashill Parish already has critical drainage problems and the proposed Drainage Strategy does not consider how the proposed water surface management of the site could impact downstream and elsewhere. The Drainage Strategy states the existing site is classified as greenfield which is currently 100% permeable and this proposed development would create an impermeable area of 23%. The Environment Agency (EA) flood map indicates the site is deemed to lie within Flood Zone 1 - low probability of flooding in any year - but the hamlet of Kenny which is designated by the EA as Flood Zone 3 - high probability of flooding in any year - lies within a distance of 500 metres away and is located on lower ground than the proposed development. There have been incidents of serious damage being caused to properties in Kenny after being being flooded due to surface water from higher ground running down to the watercourse known as Venners Water and causing it to overflow. The Drainage Strategy suggests it should be possible to achieve an attenuation scheme for the site with levels of the proposed new development designed to fall away from buildings and storm water being stored for gradual discharge to the local watercourse. However it is not made clear how this could be achieved by the proposed Drainage Strategy with a pond being located higher up than approximately half of the new development. The Drainage Strategy also acknowledges that a failure to have in place a programme of maintenance work could lead to a failure of the system but it is not made clear how the scheme could be sustainably maintained. The topography of the site slopes towards the Old A358 which in turn slopes down towards the dip of Kenny and already - at times of heavy rainfall - surface water flows down the Old A358 carriageway and accumulates in the dip. The Parish Council is of the opinion that a detailed and robust surface water drainage strategy should form part of the outline planning application to ensure that not only is the drainage strategy sustainably viable for the site itself but also for the properties which are located downstream and elsewhere.

Revised Layout

It has been noted that it is proposed to reduce the number of units from 26 to 21 but the revised layout has not changed with regard to the original proposed layout of the row of properties adjacent to existing properties and the original proposed layout of some garages and driveways being at the rear of some of the properties. It has also been noted the amended plans still show the development joining into the public footpath through the Church to the School which causes concern with regard to the potential increase of use and the implications of the wear on and adjacent to the footway. The Parish Council is

of the opinion that the proposed revised layout and the drainage strategy fails to address the principle concerns raised in the response made by the Parish Council dated 30 November 2017, those raised by members of the community at meetings of the Parish Council and submitted to SSDC.'

The Parish Council also requested that consideration be given to a Section 106 agreement being in place for the eventuality if planning permission for this proposal is granted.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'I refer to my emails of 30 November 2017 and 18 July 2018 and can confirm that these concerns raised on behalf of Ashill Parish Council with regard to the development of this site still apply.

The Parish Council objects to this amended proposal and wishes for the following additional observations to be also taken into account :

Layout & Design - *the linear design of the proposed two storey dwellings will directly back on to the neighbouring properties - which are predominately bungalows - and are considered to be unneighbourly, overbearing and out of scale in the context of the neighbouring properties and the landscape. The revised layout still does not address the issue of the setting and uninterrupted views of the Church of the Blessed Virgin Mary which is a Grade II* listed building and these concerns are reflected by Historic England :*

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

Sustainability & Infrastructure - *the SSDC Area West Committee turned down a proposed development - 17/03800/OUT Part Windmill Hill Lane - for 25 houses on the grounds of landscape and sustainability. The Committee considered Ashill to be not a sustainable location for this scale of development - given its limited services and facilities - but this decision was subsequently overturned by the SSDC Regulation Committee. The Parish Council therefore considers that the small village of Ashill is now already making a disproportionate contribution to the delivery of housing based on District need and not needs based on the sustainability of the location and local demand. The Parish Council also considers that Ashill does not meet the criteria for the SSDC Local Plan Policy SS2 and it does not have the infrastructure in place to support yet another significant housing development around the corner from the one which has now been approved.*

Carbon Footprint - *with the push of Central Government to reduce carbon to meet with the required standards - it is questioned how SSDC can consider allowing more development in a small rural village without any transport infrastructure/shops/doctors etc. - which will further increase this carbon footprint with even more vehicle movements necessary?*

Water & Drainage - *the amended plans show no provision for the way in which surface water drainage will be managed from a site that already regularly floods onto and runs down the Highway. The question of this run-off impacting on Kenny's flooding problems/concerns has still not been addressed.*

Wildlife - *the orchard has been there for many years and has attracted many types of wildlife - which the Ecological Report identified previously - and this still needs to be considered before any planning consent is agreed. The question has to be 'what will happen to all this wildlife once its habitat has been disrupted'? The Parish Council wishes to request that this is carefully taken into consideration before*

the determination of this planning proposal.

Community Infrastructure Levy/Section 106 - the Parish Council seeks clarification as to whether this proposed development would incur Community Infrastructure Levy/Section 106 payments. If the applicant does not have to make any contribution towards improving the Parish facilities and - if approved - the Parish would receive no help towards sustainability or infrastructure.

County Highway Authority:

Summary of response to original plans:

- Advised that the rural nature of the location meant there would be a high reliance on private motor vehicles and it would be for the Local Planning Authority to determine if this was a suitable location for the development proposed.
- Impact of the development was not considered to be 'severe' although there would be likely to be some minor additional delays at the A358 junctions.
- Travel Plan considered to be of an acceptable standard (some amendments were required)
- Parking - broadly in line with the relevant standards, concern expressed regarding visitor parking provision
- Query the rationale for the church and school parking as part of the development
- Highway works - Required greater visibility splays.
- Pedestrian access - welcomed access to church and school, legal agreement may be required
- Estate Roads - Advanced Payment Code regime would be applicable. General layout appears suitable for adoption.
- Drainage - advise that detailed drainage proposals will need to be agreed with the County Highway Authority's Drainage Engineer. Developer advised to establish that a suitable outfall could be provided to discharge surface water run-off.

As such the County Highway Authority did not object to the principle of the development subject to the imposition of conditions.

2nd response following submission of amended plans showing a revised layout plan and reduction in number of units to 21, and submission of a drainage strategy (5/6/2018) (summary):

- Drainage Strategy - no objections to the surface water management strategy but provided advice regarding interface with the public highway.
- Visibility splays - repeated concerns that visibility splays needed to be increased.
- In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised (summary):
- Traffic Impact - the impact to the road network is slightly lessened as a result of the amended plans
- Access - Visibility should be in accordance with DMRB standards as opposed to MfS standards. There is a net benefit to the safety of the site through the removal of the additional accesses.
- Permeability of site has decreased as there is no longer a link to the footpath but it does not seem proportionate to reject the proposals on this basis.
- Parking - are roughly in line with the optimum parking standards, there may be some interference with visibility on Plots 1 - 4 from proposed planting
- Internal layout - appears generally suitable for adoption but a speed reducing feature will be required. Any planting scheme needs to be checked with highways.

The County Highway Authority did not therefore object to the application subject to the imposition of various highways conditions.

Landscape Officer (now retired):

In response to the original scheme:

'the application site is a pasture field with orchard trees, defined by native hedgerow boundaries to the south and west, with the main village street (the former A358) forming its north boundary, whilst to its east and southeast side the site abuts the core of the main village of Ashill, with the churchyard immediately alongside the southern boundary, and the pub and local residences backing onto the site along its eastern boundary. Thus the site has an immediate and bounding relationship with the historic core of the village, and occupies the same low hilltop as the village centre. I also note that it lays within an area of 'probable medieval occupation', though its use as an orchard is indicated on both the 1888 OS map, and the 1830's tithe map for the parish.

The proposal intends 26 new houses; a community car park adjacent the school and church, and the offer of the remaining orchard area to the village as public open space. A landscape statement has been submitted in support of the application, which acknowledges that development will impact upon the character and extent of the current orchard, but intends replanting and appropriate management to renew the feature. It considers that the visual effects of development will be high when viewed from its immediate surroundings only, but when viewed from the wider rural surround, is low. I would not dispute this summary.

It is clear that a development of 26 houses will project built form west toward open countryside, well beyond the current edge, yet there is a correspondence with residential development to both the north and east sides of the site, to provide a settled context into which this proposal would tie. Development will result in the loss of part of the traditional orchard, and this orchard plot has been long-established and is a distinctive component of the village edge. However, a number of the orchard trees have already been lost, and many more are over-mature and un-managed, such that the feature does not project a strength of character. Additional apple tree planting is intended, along with the dedication of the land as open space, to ensure that orchard trees maintain a presence on the site. There is also the loss of local views across the open field toward the church, though this is limited to a short length of roadside, and properties, facing the proposed frontage plots.

The application proposes a substantial development quantum for this small settlement, which will be a challenge for the integrity of the village's character to absorb without undue impact. However, whilst I consider the above landscape impacts to be minor/moderate adverse, once balanced against the positives of the renewed orchard, and open space provision, and acknowledging the tie with the adjoining built pattern, I would conclude the weight of landscape impact to be insufficient on its own to provide a case for refusal.'

Historic England

Response to original application:

'The application proposes the construction of 26 houses and provision of public open space on land currently used as an orchard in Ashill, Somerset. The village of Ashill grew from an agricultural hamlet to a small village in the post-war era, when several small housing estates around the edge of the settlement.

At the centre of the village is the Church of the Blessed Virgin Mary, a Grade II listed building of medieval origin with various later alterations. The setting of the church contributes to its significance; though the two-stage tower is not particularly high in the context of Somerset's celebrated churches, the*

church has a direct relationship with its agricultural hinterland and its prominence is enhanced by the positioning on a low hilltop.

The visual role of the church tower, signposting the centre of the village, will be diminished by the construction of the proposed housing development. It will block views of the tower from the main road through the village, which for centuries was the principal thoroughfare between Taunton and Ilminster until the bypass was constructed in the early 1990s. The reduced visibility of the tower, and the diminishing of its relationship with open agricultural land, will cause harm to its setting and thus significance.

We also note that there is a Grade II listed Cider House to the West of the site. The existing orchard makes an important illustrative contribution to the setting of the cider house. Orchards are, of course, an important component of local distinctiveness in South Somerset, and your authority will need to carefully consider whether in reducing the size of orchard and screening it from the road, the proposals "respond to local character and history" as required by NPPF paragraph 58.

We understand that this is not an allocated site for housing in your current local plan, but that South Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

NPPF 132 notes that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater the weight should be. In this case, the asset affected is a II listed church; a heritage asset 'of the highest significance'. Paragraph 132 also notes that any harm requires 'clear and convincing justification'. Even if you are minded to accept the principle of development at this location in order to meet housing supply targets, alterations should be made to the scheme to reduce or mitigate the harm to the setting of the church. The proposed layout of the housing will block key views of the listed church tower from the main road, but an alternative housing layout could better reveal it - and therefore, in our view, the justification for the proposals fails to be 'clear and convincing'.*

Recommendation

Historic England has concerns regarding the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'The additional information submitted by the Planning agent and Heritage Consultant confirms our assessment that the scheme will result in harm. Historic England views therefore has not changed and we consider that the proposal will result in harm to the grade II listed Church of the Blessed Virgin Mary.*

We maintain that the choice of site or the proposed development has not been sufficiently justified in line with the NPPF and consequently the LPA should not jump immediately to the planning balance as set out in our letter (22nd Nov 2017) -

We understand that this is not an allocated site for housing in your current local plan, but that South

Somerset cannot demonstrate a 5-year supply of housing as required by central government. However, we do not believe this means your authority should immediately proceed to the 'planning balance' exercise of weighing the harm we have identified to a highly-graded heritage asset against the public benefit of a contribution towards your housing supply figures.

NPPF 132 notes that great weight should be given to the conservation of a heritage asset, and the more important the asset the greater the weight should be. In this case, the asset affected is a II listed church; a heritage asset 'of the highest significance'. Paragraph 132 also notes that any harm requires 'clear and convincing justification'. Even if you are minded to accept the principle of development at this location in order to meet housing supply targets, alterations should be made to the scheme to reduce or mitigate the harm to the setting of the church. The proposed layout of the housing will block key views of the listed church tower from the main road, but an alternative housing layout could better reveal it - and therefore, in our view, the justification for the proposals fails to be 'clear and convincing'.*

Recommendation

Historic England has concerns regarding the application on heritage grounds.

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'The revised application reduces the number of units on site from 21 to 10. This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field. There is an opportunity by which planting along the boundary of the proposed site could be used more effectively to soften the transition of the former orchard into the proposed development. There is further opportunity to enhance the setting of the church by using the landscaping and planting strategy to enhance the relationship between the church to its surrounding rural setting.*

The site is not allocated although; we understand that South Somerset cannot demonstrate a 5-year supply of housing. The council need to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). Any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure that they outweigh any harm identified (Para 196, NPPF).

If the council is minded to approve the application, as this is at outline only, steps should be taken to secure through the planning process any potential benefits the scheme can offer, such as the landscaping strategy for the site as well as minimise those aspects identified as having the potential to cause harm, such as the layout of the development.

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.'

Conservation Officer

In response to original plans:

'The main issue for me relates to the grade II listed Church. There are views of the Church tower from the old A358 across the entire frontage of the site.*

By their nature, Church towers are prospects. Historically they are the tallest building in the parish, the Church asserting its authority and presence: a constant reminder. This tower would appear to be 15th Century.

I do not agree with the assessment that this proposal causes no harm to the setting and appreciation of the heritage asset with regard to the historic views. I can see that there was once housing at the east of the site, and indeed that may well be the way forward, but as shown the view of the tower from the old A358 would be lost.

In my view there is a loss of the views of this highly graded church and this is damaging to the consciously designed aesthetic, historic and communal significance of the building, resulting in moderate adverse harm.

I can see some merit in development at the east end of the site, where there was development historically, but not along the frontage onto the old A358.'

In response to the first set of amendments (revised layout and reduction in number of units to 21, (5/6/2018)):

'This document does not change my views. Indeed I note the final paragraph accepts a minor adverse impact on the setting of the Church but takes a view that this is neutralised by the public benefits.

At the risk of repeating myself, Paragraphs 48 to 51 of the Forge Field High Court case, rehearse the presumption against planning permission being granted and the considerable weight and importance must be given. It emphasises that the public benefit must be powerful and as decision maker you and the Council must be conscious of statutory presumption in favour of preservation and this must be demonstrably applied.

I would also refer you to compare this proposal with that recently dismissed at appeal on the edge of Broadway where the setting of the Church was a main issue.

I do not see the public benefit here to outweigh the harm which the applicant accepts.'

(Officer Note: The Conservation Officer has now left the authority and so it will be necessary to rely upon the advice of Historic England)

Planning Policy, in response to original application:

'The development plan for South Somerset is the adopted South Somerset Local Plan 2006-2028, March 2015. Policy SD1 supports the presumption in favour of sustainable development set out in the National Planning Policy Framework (NPPF) and expects that where proposals accord with the policies in the adopted Local Plan they will be approved without delay, unless material considerations indicate otherwise.

The adopted Local Plan defines Ashill as a Rural Settlement (Policy SS1: Settlement Strategy). The

settlement has a number of basic facilities, such as a public house, primary school, village hall, faith facility and play area/sports pitch. Currently, as a result of Nippy Bus no longer operating, bus services for Ashill are very limited with only a demand responsive service available. Policy SS2 strictly controls and limits development in such locations to that which provides employment opportunities; and/or creates or enhances community facilities to serve the settlement; and/or meets identified housing need, particularly for affordable housing. Policy SS2 also makes it clear that development should be commensurate with the scale and character of the settlement, be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

This proposal is for 26 residential units, including affordable housing and includes a range of house types and sizes. Although community support is not a pre-requisite for development proposals, this should be sought through robust engagement and consultation in line with Policy SS2. Pre-application consultation has taken place, including with the Parish Council and the consultation statement summarizes the issues raised during that process, overall there is a mix of support for and objection to the proposal, with marginally more objection.

The parish of Ashill comprises 250 dwellings and 529 people (Census 2011), therefore this proposal represents a potential 10% increase in the number of dwellings and an 11% increase in the population (based upon the ONS 2019 average household population projection of 2.22 people per household) . SSDC monitoring shows that there have been six dwellings completed in the parish since the beginning of the plan period (2006) and as at 15/11/17 there are four dwellings committed. I am aware that there is a proposal pending for 30 dwellings on land Os 3727 Part, Windmill Hill Lane, Ashill (17/03800/OUT). If both this proposal and the Windmill Hill proposal were to be approved and delivered this could result in a 22% increase in the number of dwellings and a 23% increase in the population of the parish.

The impact of development on the historic environment (Policy EQ3) and the character and appearance of the settlement (Policy EQ2) are of particular relevance in the consideration of this proposal and I will leave it to colleagues in the Conservation Team to respond on these aspects of the proposal.

With regards to other material considerations, in September 2017 the Council accepted that it cannot demonstrate a five-year housing land supply, having 4.2 years https://www.southsomerset.gov.uk/media/895891/ssdc_five-year_housing_land_supply_paper_finalwith_tweak2017.pdf. Paragraph 49 of the National Planning Policy Framework (NPPF) states that when this occurs relevant policies for the supply of housing are considered to be out of date. Consequently, this proposal should be considered in the context of the presumption in favour of sustainable development (Policy SD1 and NPPF, paragraph 14). Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or specific policies in the framework indicate development should be restricted.

In conclusion, based upon the specialist advice from colleagues with regards to the historic environment and impact on the character and appearance of the settlement you will need to determine whether any adverse impacts would significantly and demonstrably outweigh the benefits of granting planning permission where the Council is unable to demonstrate a five-year housing land supply.'

(Officer Note: It should be noted that there has been a new report (August 2018) with regard to the five-year land supply confirming that SSDC is still unable to demonstrate a five-year housing land supply. In addition, a new NPPF was issued in 2019, the relevant policies are described in the Policy section above.)

Ecologist:

In response to original plans:

I've noted the Protected Species Surveys report (Country Contracts, October 2017). I note quite a few objectors raise concern about orchard loss and/or impacts on wildlife species.

I suggest these concerns can be broadly categorised into three main areas:

1. Orchard/habitat loss.
2. Legally protected species (e.g. badger, dormice, bats).
3. Other species (e.g. dragonflies, birds of prey, deer).

There is also some concern expressed about the timing and adequacy of the surveys.

I address each of these areas of concern in turn.

1. Orchard/habitat loss

Historic mapping (19th century) suggests a long history of orchard use on this site. The term 'ancient' isn't officially applied to orchards as it can be to woodland (ancient woodland pre-dates 1600). It's possible that the orchard could have increased biodiversity value if there has been a long and continuous history of orchard use on the site and nearby. However, this will also be heavily influenced by current and recent farming and management practices, so historic presence is no guarantee of increased biodiversity value.

The orchard and application site is not subject to any nature conservation designation.

'Priority habitat'

Traditional orchards are listed as a 'priority habitat' for the conservation of biodiversity (Natural Environment and Rural Communities Act 2006). Planning policies seek to conserve priority habitats.

Planning policy, assessment and conclusion

Remaining traditional orchards are most frequently sited on the edges of villages, often on the same sites where potential new developments are more likely to satisfy planning policies. This conflict between conserving a priority habitat and other planning policies is therefore not uncommon for village applications.

I note the density of orchard trees is low compared to 'traditional' orchard tree densities (and 2001 aerial photos also suggest medium to low density). The commercial value of the fruit is low, and it appears this orchard is gradually changing to predominantly pasture land. In the absence of any intervention, the site may no longer be an orchard in the next few decades.

I note the proposal includes retention and improvement of approximately half of the orchard. I suggest it would be reasonable to give this favourable weight, given the gradual decline of the existing orchard, when considering the proposal against planning policies.

Consideration will need to be given to how and who will own and manage the orchard.

2. Legally protected species

Objectors have raised concern in respect of the following:

- bats
- badgers
- dormice
- newts

The protected species survey included assessments and surveys for the following species groups. In some cases I've added to the assessment using records from the Somerset Environmental Records Centre, general awareness of species occurrence in the area, GIS maps and aerial photos.

Bats

Orchard trees were visually inspected for the possibility of bat roosts. None of the trees were identified as being likely to be used for roosting by bats. Bats are therefore unlikely to be roosting on site.

It is likely there will be some foraging by bats over the site. Foraging habitat isn't specifically protected. Although some loss of bat foraging habitat is likely, the area of loss is relatively small in comparison to the typical 'home range' of foraging bats, and is unlikely to constitute a significant impact. Furthermore, improvements to the retained orchard and new hedge planting would compensate for some of the loss of bat foraging habitat.

Reptiles

Grass snake has been quoted by an objector as being present, and the site contains some habitat, particularly around the fringes, that could be used by slow worm. 'Rare' reptile species aren't thought to occur in the district. The common reptile species that could be present on site wouldn't normally be a reason for refusal, but would require translocation out of harm's way. The retention of approximately half of the site as orchard gives plenty of scope for a receptor area for translocated reptiles (plus any amphibians that are encountered).

Further survey and mitigation proposals should be made the requirement of a condition:

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Amphibians

Whilst newts have been cited as being present in the area, it is only great crested newt (gcn) that is legally protected. There are no records of gcn within 1km of the site (Somerset Environmental Records Centre check). It is most likely that newts observed in the area are common newt or palmate newt (there is a nearby record of the latter) which are more commonly associated with smaller garden ponds (great crested newt is rarely found in garden ponds).

The OS map base marks a pond on the application site. However, it's uncertain that this still exists and it wasn't identified in the protected species survey. Other ponds are marked over 200m away to the south east. If any of these ponds are breeding ponds for great crested newt, I consider it unlikely any greater crested newt would be present on the application site due to distance and poor habitat connectivity to the ponds.

Common toad has also been observed by neighbour(s). This is a 'priority species', but not legally protected. It is likely that mitigation measures for reptiles would also cover toads and possibly common/palmate newt.

Nesting birds

Some of the orchard trees, hedges, and bramble scrub provide potential nesting sites for birds. I recommend a condition:

No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other

climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

Badgers

The protected species survey didn't find any badger setts on the site. Badgers are active in the area and may be active (e.g. foraging) on the application site. Precautionary mitigation measures are recommended in section 6.4.1 and 6.4.2 of the report. I recommend this is endorsed by a condition or informative.

Dormouse

Dormice have been stated to be present by neighbour(s) and are known to be present in hedges in the wider area (but may not be present in all hedges). Dormice are arboreal and are reluctant to cross open ground. The hedges bordering the site aren't well connected to hedges in the wider landscape, which reduces the likelihood of dormice on site. However, even if dormice are present in the boundary hedges, the hedges are being mostly retained and the development will have minimal impact on them.

I therefore conclude it's very unlikely that dormice will be adversely affected.

3. Other species

A number of objectors include observations and raise concern about impacts upon species with either limited protection (e.g. protection only against direct harm that applies to all wild birds and reptiles), or no legal protection.

Species quoted include:

- dragonflies
- birds of prey, including barn owl
- deer
- toads
- grass snake
- bees

These species all contribute to the biodiversity of the site. However, they are not normally considered significant constraints to development for the following reasons:

- a) Lower conservation importance - widespread and relatively common species, for which a small amount of habitat loss is very unlikely to significantly affect population levels.
- b) Wide ranging - these species usually have territories or home ranges that far exceed the size of the application site, so will still be able to survive on similar surrounding land and habitats.
- c) High mobility - these species are generally quite capable of moving out of harm's way, or avoiding potentially harmful construction sites in the first place.

I have no reason to consider this proposed development to be particularly harmful to the above listed species.

Adequacy of wildlife surveys

The adequacy of the protected species survey has been challenged by objectors. I agree the survey wasn't as extensive or thorough as surveys for some planning applications.

Guidance on, and justification for, wildlife surveys is given in Circular 06/2005, and Natural England Standing Advice. Where a proposed development could give rise to significant impacts on protected species or biodiversity, then the surveys should be completed in full before any planning decision is made. However, if protected species are either unlikely to be present, or if present are unlikely to be significantly affected (e.g. if the development layout has minimal impact), then detailed surveys may not be necessary.

For the reasons detailed in the above sections (low risks of presence or adverse impact), I don't consider there is justification to delay the application for further surveys.

Other comments

Biodiversity enhancement

NPPF (para.118) expects development to deliver some enhancement for biodiversity, through taking opportunities to incorporate features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I therefore recommend that any consent should include a condition requiring details of measures for the enhancement of biodiversity to be submitted either

- a) as part of any subsequent full or reserved matters application, or
- b) prior to commencement.

The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

OR

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised that he had no further comments in respect of the amended plans and his original response remained valid.

Tree Officer

'In the past, it was considered prudent Orchard husbandry to promote the growth of tall, dense hedgerows to both shelter the Orchard trees and to increase the presence of pollinating insects - thereby boosting the overall productivity of the Orchard.

This orchard site currently appears rather too exposed to the prevailing winds. The heavy, wet clay-soil environment may have discouraged the existing orchard trees from developing deep-root systems, which might partially explain why so many of the trees have become wind-thrown. The choice of root-stock that the trees have been grafted onto and the staking techniques employed, also has a significant impact upon their ability to withstand the wind.

This outline proposal shows a significant portion of the orchard retained and restored. Furthermore, the surrounding hedgerow and hedgerow trees are also shown as retained.

The proposal would benefit from a carefully detailed scheme of tree and hedgerow planting. I would recommend that the surrounding hedgerows are "gapped-up" and supplemented with an edge-structure

shelter-belt planting to increase the density and screening values of the hedgerow.

Rather than planting yet another vulnerable mono-crop of Apple trees, I would recommend ensuring a more robust diversity of species that include an "Orchard theme".

*Trees planted in close-proximity to car-parks and dwellings could include tough, long-lived flowering species such as *Pyrus calleryana* 'Chanticleer'; *Amelanchier lamarckii* 'Robin Hill' and *Prunus* 'Sunset Boulevard'. I would recommend UK-provenance, sized at 12-14's and container-grown (45 litre).*

Species to improve the surrounding hedgerow could include Hazel (60%), Field Maple (20%), and Hornbeam (20%) as UK-provenance Cell-Grown '40-60's' planted within 800mm Tubex Shelterguards supported by 25mm x 25mm tantalised stakes with 500mm coir-based mulch-mats.

The hedgerow would also benefit from some more hedgerow trees, so worth including some larger-growing species at 10 metre spacings - such as Oak, Sycamore and Italian Alder. For these, I would recommend UK-provenance 'feathered' trees sized 175 cms height grown in 10 litre containers.

As for the 'Orchard' trees, I'd recommend the use of traditional non-dwarfing root-stocks, e.g. "M25" for Apples. To improve the robustness and bio-diversity of the Orchard component, other fruiting tree species could include Pears, Walnuts, Mulberry, Cobnuts, Filberts, Plums, Damsons and Gages.'

If outline consent is granted, the Tree Officer has requested conditions in relation to tree and hedgerow protection; and tree and shrub planting.

Housing Development Officer: (summary)

As part of the original application, the Housing Development Officer provided details of what would be required for affordable housing as part of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

Play and Youth Facilities Officer:

As part of the original application, the Senior Play and Youth Facilities Officer provided details of what sports/play facilities or contributions would be required for of a 26 dwelling scheme. However, as the scheme has now been reduced to 10 units Ministerial advice (as shown in the Policy Section above) advises that it is longer possible for Local Authorities to seek such contributions from schemes of 10 units or fewer or 1,000 square metres or fewer.

Somerset Wildlife Trust :(summary of response to original plans)

Fully support the proposals for ecological mitigation and enhancements outlined in the Protected Species Survey. Wish to see more details of the proposed planting and a further bat survey.

County Education

In response to the original application advised that the current education capacity is sufficient at this time so no education contributions are sought.

County Rights of Way:

In response to the original application, the Rights of Officer advised that they have no objections to the proposal, but it should be noted that

- Assuming that the applicant is the neighbouring landowner, then the footpath link can be captured within a S.38 agreement. However if not, then a legal agreement would be required with the neighbouring landowner with a condition to secure this. The Rights of Way Team would require a contribution of £10,000, refundable if unused after 10 years of completion,

for the path surfacing between the footpath link and the school. This would need to be captured in a S.106 agreement.

- Any proposed works must not encroach on to the width of the public right of way (PROW).

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) withdraw their comments regarding the link to the right of way and reiterate advice that proposed works must not encroach on to the width of the PROW.

Local Lead Floor Authority

Objected to the original application as:

'The development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development. It is noted that geology in the area is not conducive to soakaway and that Wessex Water have no surface water drainage sewers within the area. The applicant has not submitted any proposed drainage designs for the capture and removal of surface water from the development; this gives rise to concerns that there may not be a viable solution for surface water drainage at this location.'

In response to the submission of drainage strategy (5/6/2018):

Maintained their objection as the submitted was still considered to be insufficient, advising:

'The existing site was formally an orchard and is now predominantly agricultural grazing. The proposed development indicates an increase in impermeable areas that will generate an increase in surface water runoff. This has the potential to increase flood risk to the adjacent properties or the highway if not adequately controlled.

The Drainage Strategy suggests attenuation using a detention basin and restricting flow to the receiving watercourse to Qbar. These general principles are acceptable, however there is insufficient detail provided to ascertain if this scheme is deliverable.

There is no topographic information to substantiate the claim that all flows currently drain to the watercourse indicated. In fact, a recent site visit would suggest that not all of the site drains to the watercourse, some drains towards the road. A more detailed assessment of land levels and flow directions should be undertaken. This is particularly important given that the proposed watercourse has a high risk of surface water flooding (in accordance with the Surface Water Flood Mapping). This is not something that has been identified within the drainage strategy and does need to be considered to ensure that no additional flow gets into this watercourse to exacerbate an existing flooding issue downstream.

With regards to the proposals for the detention basin, the location proposed does not appear to allow for full gravity flow from the site to the basin. We would not accept a proposal for surface water drainage that requires pumping. Again, a topographic survey would be beneficial in order to review the existing natural landscape and determine the most effective strategy based on the natural drainage system.

Given the size of the site we would also like to see more consideration given to the multi-use of SUDS across the site. SUDS are not simply about storage and attenuation but about improvements to the environment and water quality. These smaller features are particularly beneficial during the smaller order events. This would aid in further softening the impact of the development on the landscape with more source control features proposed across the site. For example, the applicant might consider land drains or swales instead of pipes.

There also remains a question over whether there is capacity for additional foul flows within the village. Initial indications suggest that capacity is limited and that upgrades to the existing pumping station may be required. There are no plans to do this within Wessex Capital programme at present. Any proposed new connections would therefore need to be agreed with Wessex Water and we would not recommend approval until such a connection can be verified to ensure that there is a solution possible for the discharge of foul water.'

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) advised:

'We note that the density of development has been reduced to 10 dwellings. The drainage strategy (Sands), whilst revised in August, seems to still show the original layout for the site and refers to 21 dwellings within the text. It is not clear whether the overall drainage strategy for the development has changed, or whether it is still proposed to provide a piped network conveying surface water to a single attenuation pond, with connection to watercourse? Existing flows from the development drain to the main road to the north west (where I believe there are known problems with flooding downstream?), and therefore the drainage would need to be carefully designed to ensure that the site could gravity drain to the pond, and that this could be designed to drain towards the watercourse to the west.

Due to the lack of certainty over the drainage provision for the revised site layout, I would have to maintain our objection.'

In response to the submission of an updated drainage strategy (1/2/2019) commented:

'I am now satisfied with the general principles of the outline planning application and feel that this can move forward to condition. The development will be restricting runoff to Q_{bar} which is appropriate given the local flooding problems and we note that the pond has moved closer to the proposed development.

Condition:

The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;*
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);*
- c. Flood water exceedance routes, both on and off site;*
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.*

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

Informative: We actively promote the use of sustainable drainage systems (SUDS) as they provide flood

risk benefit but also enhance biodiversity, amenity value and water quality .Any opportunities to incorporate a range of SUDS should be fully explored.

Informative: There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.'

Wessex Water:

In response to the original application:

'Sewerage infrastructure

Foul Drainage & Sewage Treatment

The settlement at Ashill is served by a public foul water system draining north to Ashill STW for treatment before discharge to the local watercourse. We have recently undertaken an appraisal of capacity at the treatment works as development proposals represent a significant increase in population when compared to the existing catchment. The treatment works can currently accommodate flows from this site, but is approaching capacity and the additional flows from cumulative development is predicted to exceed the current limits.

The treatment planning team has indicated that if catchment development exceeds capacity we will meet our obligations with a scheme of works. In the short term this may require temporary treatment capacity. In the longer term and subject to the level of future demand this may trigger extensions to the sewage works. We note that Ashill is defined as one of the rural settlements within South Somerset and we note that development within these areas will need to be justified to meet a number of criteria. Previous reviews carried out by Wessex Water have not identified development on this scale at this location, hence we have not currently identified the works for capital investment

There are no public foul sewers in close proximity of the site boundary and the applicant will need to install an off site sewer to connect to the existing foul network. Existing ground levels indicate that a 75m off site connection to the foul manhole adjacent to Ashill Farm may not be achievable by gravity. The developer may need to consider the installation of a sewage pumping station (SPS) within the site with a 15m buffer zone from the nearest dwelling to protect the amenity of the residents.

Connection to the public network is by application and agreement with Wessex Water who will adopt sewers and SPS through a formal agreement subject to satisfactory engineering proposals constructed to current adoptable standards. For further information the developer should contact development.west@wessexwater.co.uk or visit our website for guidance <http://www.wessexwater.co.uk/Sewer-adoptions/>

Surface Water Drainage

There are no public surface water sewers in the vicinity of this site. The application indicates surface water discharge to a sustainable drainage system which must be disposed of in accordance with Building Regulations Hierarchy and NPPF Guidelines and will require the approval of the Lead Local Flood Authority. Therefore proposals will be subject to approval by the LLFA as required. It is critical that the site is developed with a satisfactory surface water outfall via infiltration systems or to the local land drainage system. Failure to demonstrate that this can be achieved is a material consideration and we requested that we are re-consulted if these proposals are amended.

Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system

Water Infrastructure

There is currently sufficient capacity in the network for a connection off the 4" AC main opposite the site

entrance. New water mains can be installed under a Section 41 requisition arrangement and the applicant should consult the Wessex Water website for further information: www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections.

Environmental Health Officer:

No objections or comments on this application.

Senior Historic Environment Officer:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Somerset Waste Partnership:

Response to original plans following clarification from agent on areas of concern raised by the Waste Partnership:

'Whilst it is not ideal that waste and recycling containers are a distance away from people's properties, if those properties fronting on to the main road are encouraged to place their containers out on the main road for collection, it should reduce the numbers of containers being clustered in the same place and thus minimising problems with local management of waste once the properties are occupied.'

Crime Prevention Design Adviser:

Had no objection in response to the original plans subject to there being no blank gable ends to units 1, 8, 9, 10, 14, 20, 21, 22 & 24.

In response to the first set of amendments (revised layout and reduction in number of units to 21(5/6./2018) had no objection subject to:

- The new hedgerow created as indicated will need to be supported by a post and rail fence to allow the hedgerow to mature, offering some protection to the dwellings that abut the orchard
- As in my earlier response please avoid any blank gable ends especially any that overlook parking i.e. units 7, 9, 11, 15 & 19

In response to second set of amended plans showing a reduction in the number of units to 10 with two new accesses (13/11/2018) had no objection or comments.

REPRESENTATIONS

68 letters/emails were received in regard to the original submission raising the following objections:

- Concerns regarding privacy as houses will be metres from existing property and be overbearing on a single storey dwelling
- Concerns regarding safety with more traffic and no pavements
- Concerned about impact upon wildlife that uses the site; destruction of habitat
- Extra housing would impact the flooding risk, properties in Kenny already flood. Lack of appropriate information on this issue.
- Unsuitable and inadequate sewerage system
- Insufficient infrastructure with no essential services in the villages (no public transport, shops, doctors, post office etc.) so future residents will be dependent upon private cars. Village is not in a sustainable location.
- School has limited capacity and has no room to expand
- Lighting of development will affect neighbouring gardens and cause light pollution
- Concerned about loss of greenfield and impact upon the setting of the historic village and the Grade II* listed Church

- Concerned about level of development in Ashill (there was a separate application for 25 dwellings on the opposite side of the village (now approved)). Proposal represents a 32.5% increase.
- There are already problems accessing the A358 at peak times. Concerned about pollution from additional traffic which will be exacerbated by proposed improvements to A358 and the impact on climate change.
- There will be parking problems as occupiers do not use garages
- Concerned about future occupants of affordable housing
- Development is out of character with existing village and contrary to Policy EQ2 of the Local Plan
- Proposal is for new residential development in the open countryside for which no overriding essential need has been justified.
- Wessex Water have previously said that the existing sewerage plant would be unable to safely process additional sewerage and improvement works could take up to three years.
- Devaluation of existing properties
- An application for residential development in Wood Lane, Ashill (16/04454/OUT) was refused; similar issues apply to the application site.
- Proposal is contrary to settlement strategy (Policy SS1) and Policy SS2 of the Local Plan.
- Archaeological assessment is inadequate
- Arboricultural assessment is inadequate, protected trees have not been kept in a healthy state
- Construction of the development will cause disruption
- Development could be in other parts of the site
- Question the stated outcomes of the public consultation event
- No need for the proposed church/school car park
- No guarantee that the s.106 money would be spent in the village
- There is a problem with water pressure in the village
- Current broadband speeds are low and would need to be addressed.
- Development will adversely affect views from adjacent properties
- Development will not bring additional services or employment to the village
- Application shouldn't be considered until the impact of the development of 400 homes in Ilminster is assessed.

The Campaign for the Protection of Rural England (CPRE) object to the application on the following grounds (summarised):

- Sustainability of settlement
- Cumulative impact of both residential developments proposed in the village must be assessed.
- Support the views of the Parish Council that the settlement is not a sustainable location for the level of development proposed.
- Refer to Historic England's concerns about the impact of the proposal on the significance of the church.
- Despite the lack of a five year housing land supply we still have a plan led system and the sustainability principle of the adopted local plan settlement strategy should not always be overridden due to the housing land supply situation.

34 letters/emails were received in regard to the first amended scheme (drainage strategy, revised layout and reduction in number of units to 21) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Drainage details do not include sufficient details or address the concerns regarding in

flooding in Kenny. There should be a more details and considered surface water drainage strategy.

- Query the proposed location of the drainage system.
- Refer to High Court decisions: Forge Field, Barnwell Manor, South Lakelands which refer to setting of listed buildings.
- Photos provided of site to show lack of drainage two weeks following snowfall on 1 March 2018 and the flooding that occurred in 2008 and 2014.
- The site is an Ancient Orchard and therefore greater weight now needs to be given to this in line with updates to the NPPF (July 2018)
- Query the provision of open space
- Disappointed to discover that the revised plans for the orchard seem to have been confirmed as a token gesture to get plans approved to make way for further development.
- The objections put forward from all concerned individuals do not seem to have been taken into account, rather, the applicants have reduced units with the eye on the end gain of making this orchard into a bigger development
- Query the need for further access to the orchard as this leads to concern about potential of future development
- Query the removal of an email from the website from the agent raising potential for future development at the site
- Proposed drainage provision would serve a large number of dwellings than that proposed.

36 letters/emails were received in regard to the second set of amendments (showing a reduction in the number of units to 10 with two new accesses (13/11/2018)) which reiterate the various concerns /objections outlined above and make the following additional comments (summarised):

- Plans are deceptive as they have omitted to show the church
- Young deer have been seen using the site
- The benefits to the local community have now been removed.
- Single storey dwellings should be proposed instead of two storey as a number of adjoining properties are bungalows.
- Other nearby planning applications have now been granted.
- The number of applications/approvals and the proposed dualling of the A358 are causing much anxiety for the villagers

Marcus Fysh MP has written requesting that the views of his constituents are taken into account before a decision is made on the application.

CONSIDERATIONS

Principle

Ashill is classed as a rural settlement in the adopted South Somerset Local Plan where development is strictly controlled. Development should be limited to that which provides one or more of the following (Policy SS2): employment opportunities, community facilities and/or meets housing need, particularly housing need. The Local Plan seeks to direct most of the housing growth towards Yeovil, market towns and rural centres. However, it does expect housing to be delivered within the rural settlements and provides a target of 2,242 homes across all the rural settlements. It is accepted that the Council's settlement hierarchy forms the basis of the Local Plan and is designed to take advantage of employment and service opportunities in the larger settlements.

It is accepted that Ashill has minimal employment opportunities. Moreover, due to the loss of bus services, there is a low level of opportunity to travel to work by alternative modes of transport other than

by car. However, whilst the village only benefits from limited services and facilities, it does have a church, village hall, primary school and a pub. The village does therefore meet the criteria as outlined under Policy SS2 of the local plan, and is therefore considered to be a settlement as being a relatively sustainable location in a rural area. On this basis, and taking account of a number of appeal decisions in other similar rural settlements within the district where Inspectors have accepted residential development, the principle of residential development is considered to be acceptable.

It should also be noted that whilst Policy SS2 has to be taken into account, insofar as parts of the policy are considered to be a housing constraint policy, due to the Council's current lack of a 5 year supply of housing, only limited weight can be attached to Policy SS2.

As the principle is accepted, an assessment therefore now has to be made as to whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the scheme. In this case, the benefits of the scheme would be the provision of housing and monies from the Community Infrastructure levy, of which 15% will go to Ashill PC.

Housing Need/Local Plan housing strategy

Objections have been received to the application on the basis that there is no proven housing need for this development in Ashill. As outlined above, Policy SS2 of the South Somerset Local Plan strictly controls development. However, rural settlements are expected to contribute to meeting the district's overall housing needs. It is not considered that it would be reasonable to refuse this application simply on the basis that there is no housing need. There is clearly a housing need in the district and the Council are currently not able to demonstrate that it is meeting its housing targets.

Ashill has had some new residential development, albeit limited development, in recent years. However, outline approval has recently been granted for 25 dwellings at Windmill Hill Lane (17/03800/OUT). However, it is not considered that this proposal along with the total of all other approved development /pending applications in the village would undermine the settlement strategy of the local plan. The next tier of settlements above rural settlements in the local plan are the 6 rural centres and these generally have a target of 200 plus dwellings. Other than Stoke sub Hamdon, which due to its greater range of services and facilities is included as a rural centre but with a housing figure of 51 to reflect its smaller scale and nature, the total combined developments in Ashill are well below 200 dwellings. Therefore, it is not considered that the hierarchical strategy of the local plan would be harmed by this proposed development.

Highways/Parking

Whilst this is an outline application, planning approval is being sought for access and the layout of the scheme. A new vehicular access will be created from the old A358, the Highway Authority are satisfied with the number of parking spaces and do not consider that the scheme will create a severe highway impact warranting refusal. The Highway Authority have recommended a number of conditions to secure a number of detailed matters including access details, visibility, street lighting and a Construction Management Plan.

The proposal is therefore considered to accord with Policy TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Landscape/ Character of Village

The site is currently an agricultural field on the western edge of Ashill. The landscape officer assessed the original scheme for 26 dwellings and concluded that the weight of the landscape impact from the proposal to be insufficient in its own to provide a case for refusal. As the proposal has now been reduced to 10 dwellings it is considered that the given the original advice it would not be possible to sustain a

reason for refusal on landscape grounds.

In terms of the potential impact upon the character of the village, it is considered that the amended scheme will relate appropriately to the existing village. The proposal is for an informal layout of relatively low density development that sits along the western edge of the village. There are three dwellings that will face the road with linear development behind running along the edge of the site. This is reflective of the village character and considered to be an appropriate design response that respects the surroundings.

The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 which regard to landscape impact.

Flooding/Drainage

The site is located within Flood Zone 1 which means that there is a low risk of flooding from sea or river. Local concern has been raised about surface water flooding with particular concern about the flooding difficulties that have been experienced at Kenny.

Following the original concerns of the Local Lead Flood Authority about the lack of information in regard to surface water drainage details and potential in flood risk posed by the development, the applicant prepared a Drainage Report for the development (that was updated through the course of the application). On the basis of a lack of objection from the Local Lead Flood Authority and the options available to deal with surface water drainage, it is considered that conditions can secure full details of the drainage scheme and that this will need to be agreed prior to any development commencing on site. Details can be secured via condition to be submitted at any subsequent reserved matters stage.

In terms of foul drainage, Wessex Water have advised that the local sewage pumping station has the capacity to accommodate this development. In regard to water supply, Wessex Water have confirmed that there is sufficient capacity in the network to accommodate the development.

Heritage Assets

The application has been amended from that originally proposed in order to respond to the concerns expressed by both Historic England and the Conservation Officer about the potential harm to the setting of the Grade II* listed Church. The NPPF advises that in the case of a development proposal leading to less than substantial harm to the significance of a designated heritage asset (paragraph 196), this harm should be weighed against the public benefits of the proposal. In this case, the layout of the site has been redesigned in order to reduce the potential impact upon the setting of the listed church as the dwellings are now sited on the eastern part of the site which will allow for a greater view of the church from the north. Historic England has withdrawn its previous concerns about the application noting *'This has reduced the development to the eastern boundary of the site limiting the projection into views of the Grade II* listed Church of the Blessed Virgin Mary. The removal of additional infrastructure such as the additional car-parking is also a benefit in reducing the overall impact of development within the current open field.'*

Historic England do repeat their advice that the council needs to be confident that there is sufficient justification for development on the site even with the reduced number of units (Para 194, revised NPPF). And that any harm will need to be considered within the wider planning balance against the public benefits offered by the scheme to ensure that they outweigh any harm identified (Para 196, NPPF).

As advised by Historic England, the lack of a five year supply of housing land has to be weighed in the balance and as such appropriate weight has to be given to the provision of housing on a sustainable site. In this case, the proposal would provide 10 dwellings in a sustainable location and, therefore, it is considered there are public benefits to the scheme that weigh in the schemes favour. This benefit allows

for a favourable recommendation despite the harm (less than substantial) caused to the heritage asset. This is due to the significant reduction in the size of the scheme which has allowed for the views to the Church to be respected.

It is therefore considered the site can be developed in a manner to safeguard the setting of the listed building and the wider landscape in general in accordance with the NPPF and Local Policies EQ2 and EQ3.

Residential Amenity

This is an outline scheme but layout is a matter to be considered at this stage. It is considered that the proposed location of the dwellings ensures that there are appropriate 'back-to-back' distances (over 21m) to protect neighbouring privacy. In addition, the distances between the proposed and existing dwellings ensures that the development will not be overbearing or result in an unacceptable loss of light. The proposal therefore accords with Policy EQ2 of the South Somerset Local Plan 2006-2028 in relation to impact upon neighbouring amenity.

Ecology

The Ecologist has thoroughly assessed the submitted biodiversity report along with the concerns of local residents (reported in full above). He had no overall objections to the scheme subject to the imposition of conditions to secure a further survey, protect nesting birds and mitigation/enhancement measures.

The proposal is therefore considered to accord with Policy EQ4 of the South Somerset Local Plan 2006-2028.

Other issues

- Impact on school - County Education have advised that the current education capacity is sufficient at this time and therefore no education contributions are sought
- Lighting - A condition can be imposed to secure details of proposed street lighting
- Devaluation of neighbouring properties- This is not an issue that can be given significant weight in the determination of a planning application.
- Appeal at Wood Lane, Ashill - The Inspector for this appeal determined that Ashill was a sustainable location for additional housing growth (the appeal was dismissed on the grounds of harm to the character and appearance of the area and the loss of employment land and premises).
- Archaeology - the submitted report has been assessed by the archaeologist at South West Heritage Trust who was satisfied with the information submitted and does not consider that it is necessary to carry out any further work at the site.
- Trees - The Tree Report has been assessed by the Tree Officer who is satisfied with the proposal subject to the imposition of conditions.
- Disruption during construction - It is recognised that there is likely to be some disruption during the course of the development however this will be temporary and it is not considered that it would be appropriate to refuse the application on this basis. A condition can be imposed to require a construction traffic management plan that will include delivery and working hours.
- Broadband - Whilst it is recognised that there may be some impact upon broadband speeds in the vicinity, it is not reasonable to refuse the application on this basis.
- Loss of views - The loss of a view over private property is not an issue that can be given significant weight in the consideration of a planning application. The setting of the listed building has been considered above.
- Open space - The retention of the orchard is no longer part of the application as an open space requirement is not required on a scheme of this size. However, the trees on the site will continue to be protected by the Tree Preservation Order.

- Potential for future development - This scheme has been assessed and determined on the basis of the amended plans for 10 dwellings. Any application for future development would have to be assessed on its own individual merits in the full knowledge of the previous advice from Historic England.

Conclusion

It is considered that the village of Ashill is a reasonably sustainable location and thus the principle of residential development is acceptable in the village. The scheme will make a valuable contribution towards meeting the Council's housing needs. Whilst it is accepted that there are local concerns regarding the development, for the reasons outlined above in the report, it is not considered that these adverse impacts significantly and demonstrably outweigh the benefits of the scheme.

COMMUNITY INFRASTRUCTURE LEVY

The application is CIL liable at the reserved matters stage.

RECOMMENDATION

Grant Permission

01. The Council cannot demonstrate a 5-year housing land supply. Ashill is an appropriate location for this level of development and the site is suitable in terms of its services. By reason of its juxtaposition with existing built form and its scale, the proposal represents appropriate development that would not cause demonstrable impact upon residential amenity, highway safety or upon the character and appearance of the area. The proposal would result in less than substantial harm to the setting of the heritage asset and the public benefits of the proposal outweigh this harm. As such the proposal complies with the policies of the South Somerset Local Plan 2006-2028 and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 (Article 5) of the Town and Country Planning (Development Management Procedure) Order 2015

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. The development hereby approved shall be carried out in accordance with the following approved plans:
Drawing numbers: 2479-sk-15, 2479-PL-04 Rev A and 247 - PL-01

Reason: For the avoidance of doubt and in the interests of proper planning.

04. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of reptiles, plus if present, a mitigation

plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

05. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000, and in accordance with Policy EQ4 of the South Somerset Local Plan.

06. Any steep sided construction excavations over 1 metre deep and left open overnight must be covered plated or have a means of escape should an animal fall in. (A suitable means of escape is a rough wood plank inclined from the base of the excavation to the surrounding ground surface).

Any voids or openings over 100mm in diameter, or equivalent, beneath new structures must be blocked over night to deter badger entry.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

07. The reserved matters application shall include full details of proposals for the incorporation of features to enable the enhancement of biodiversity.

Reason: For the enhancement of biodiversity in accordance with NPPF.

08. The development hereby permitted shall not commence until details of the design, implementation, maintenance and management of the sustainable drainage scheme in accordance with the submitted Drainage Strategy (Sands, May 2018 Rev 4) have been submitted to the LPA and approved in writing by the LPA.

Those details shall include:

- a. Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay, and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c. Flood water exceedance routes, both on and off site;
- d. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To secure a working drainage system to the he approved details shall thereafter be implemented, retained, managed and maintained in accordance with the approved details throughout the lifetime of the development

09. The reserved matters application shall include foul water drainage details to serve the development. Before any development commences on site, these drainage details shall have been approved by the Local Planning Authority and shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter in accordance with details submitted and approved.

Reason: To ensure that the site is adequately drained in accordance with the National Planning Policy Framework.

10. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to the commencement of construction, and thereafter maintained until construction works is completed.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

15. In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

16. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed within the development site in accordance with a design and specification to be approved in writing by the Local Planning Authority

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

17. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 120 metres either side of the access. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

18. No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:

- Construction vehicle movements;
- Construction operation hours;
- Construction vehicular routes to and from site;
- Construction delivery hours;
- Expected number of construction vehicles per day;
- Car parking for contractors;
- Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- A scheme to encourage the use of Public Transport amongst contactors; and
- Measures to avoid traffic congestion impacting upon the Strategic Road Network

Reason: In the interests of highway safety and in accordance with Policy TA5 of the South Somerset Local Plan (2006-2028).

19. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a detailed scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Upon approval in writing from the Council, the tree and hedgerow protection measures

shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and a representative of the Council (to arrange, please call: 01935 462670) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

20. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include the details of provenance, planting locations, numbers of individual species, and sizes at the time of planting, details of root-types/grafting and the approximate date of planting. The installation details regarding ground preparation, staking, tying, strimmer-guarding, weed-suppression and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of fifteen years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

21. Prior to first occupation of the dwellings hereby permitted, electric charging points (of a minimum 16amps) for electric vehicles shall be provided for each dwelling adjacent to their designated parking spaces or garages shown on the approved plan. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

22. The development hereby permitted shall not exceed 1000m² (combined gross floor space).

Reason: Otherwise the development would be required to make contributions towards affordable housing and sports/leisure facilities in accordance with Policies HW1, SS6 and EQ2 of the South Somerset Local Plan 2006-2028.

Informatives:

01. Please be advised that subsequent full or reserved matters approval by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory

financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. The applicant will be required to secure an appropriate legal agreement/ licence for any works within or adjacent to the public highway required as part of this development, and they are advised to contact Somerset County Council to make the necessary arrangements well in advance of such works starting.

03. Any proposed works must not encroach on to the width of the PROW.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

- If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:
- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

- If the work involved in carrying out this proposed development would:
- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure: <http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

04. The LLFA actively promote the use of sustainable drainage systems (SUDS) as they provide flood risk benefit but also enhance biodiversity, amenity value and water quality. Any opportunities to incorporate a range of SUDS should be fully explored.

05. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively

Agenda Item 8

Officer Report On Planning Application: 18/02588/FUL

Proposal :	The erection of 23 No. dwellings, means of access and associated works
Site Address:	Land At Jarman Way Chard Somerset (TA20 1FB)
Parish:	Chard
CRIMCHARD (CHARD) Ward (SSDC Member)	Cllr Martin Carnell
Recommending Case Officer:	Mike Hicks
Target date :	17th December 2018
Applicant :	Stonewater Ltd
Agent: (no agent if blank)	Mr Matt Frost Boon Brown Planning Motivo Alvington Yeovil Somerset BA20 2FG
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL TO REGULATION COMMITTEE:

The Area West Committee considered the following application on the 20th of March 2018 and resolved to defer the application, minded to refuse for the following reasons:

- The applicant has not demonstrated that there has been sufficient marketing of the site as a development opportunity for a care home contrary to Policy HG6 of the South Somerset Local Plan (2006-2028).

Applicants comments:

In response to the above, the applicant has requested that an additional statement is included within the report in relation to the proposed refusal reason. This statement is as follows:

"It is understood that Area West Committee recommends refusal of this application as "The applicant has not demonstrated that there has been sufficient marketing of the site as a development opportunity for a care home contrary to Policy HG6 of the South Somerset Local Plan (2006-2028)"

The Applicant respectfully points out that Policy HG6 of the adopted local plan (and the supporting text thereto) does not contain any wording that prevents the grant of planning permission for an alternative use of a care home, or land with planning permission for a care home, unless it has been marketed in a particular manner to the satisfaction of the Council. As such it is considered that the reason for refusal proposed by Area West Committee goes considerably beyond the scope that may be reasonably assessed against Policy HG6.

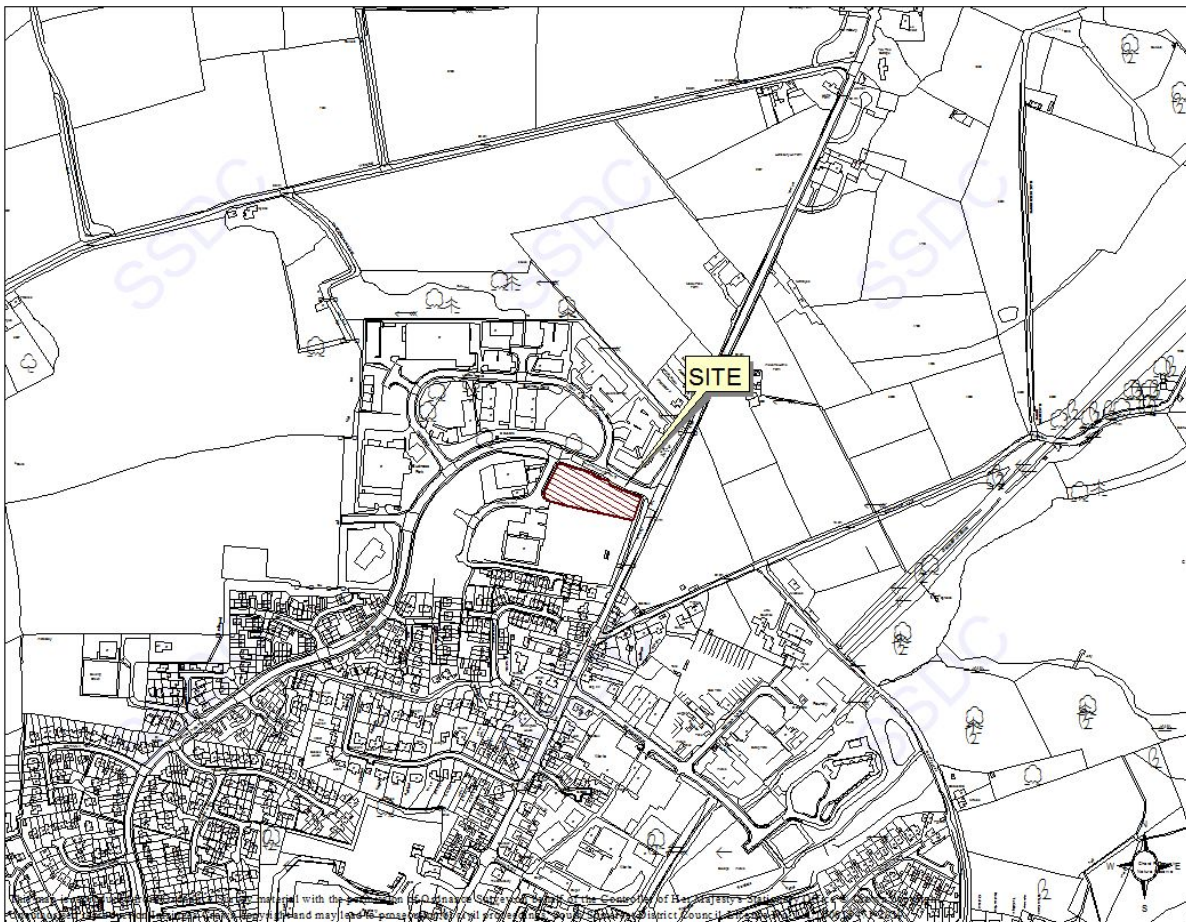
Notwithstanding the absence of any planning policy requiring marketing of the care home, the site has been marketed with the benefit of planning permission. The application submission back in September 2018 made it clear that direct approaches have been made to nearly 40 care home providers across the UK, none of whom have shown any interest. Six years have passed since planning permission was granted for the care home. If there was demand from the market it is reasonable to assume that it would have been delivered by now. As pointed out in the supplemental planning statement submitted in March 2019, it stands to reason that the landowner would have sold the site to a care home provider had interest been shown, given that its value as a care home is greater than that for affordable housing.

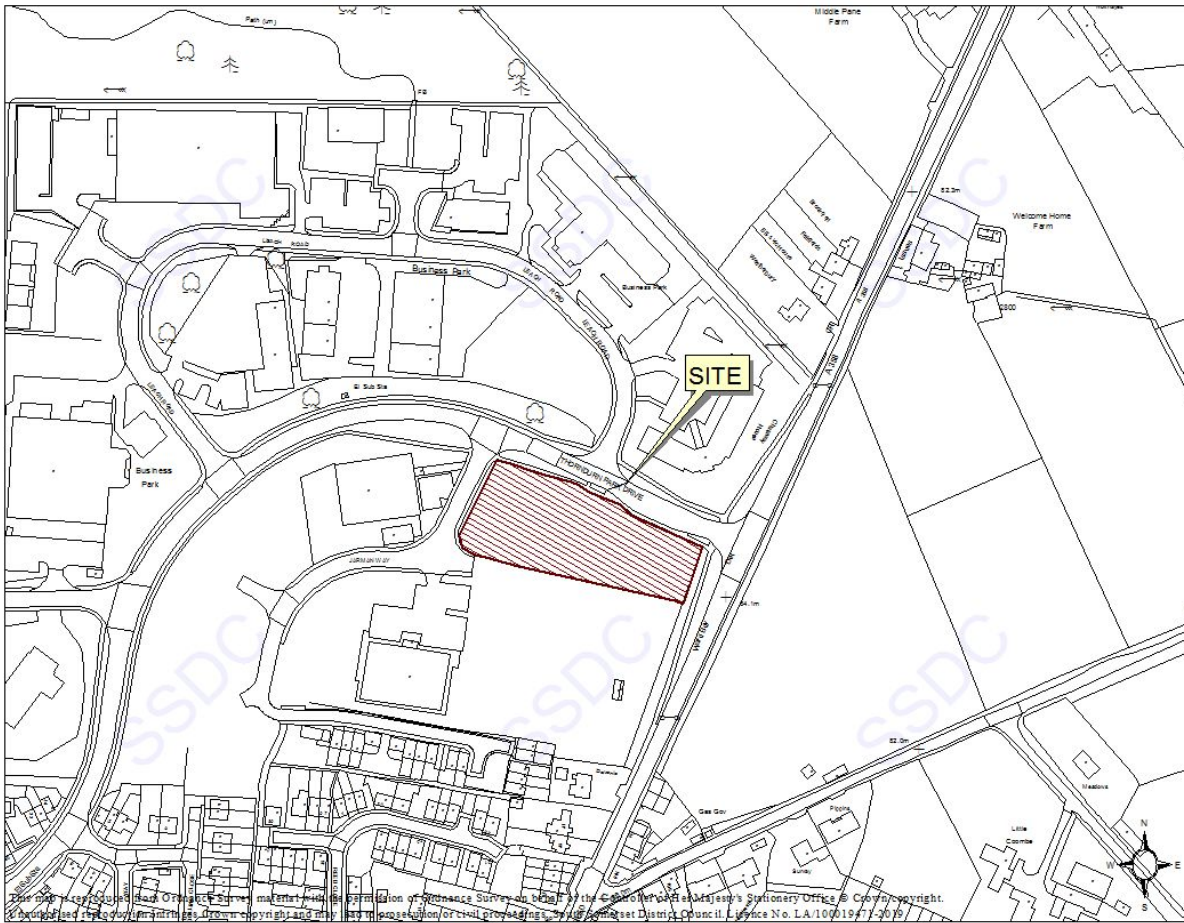
Whilst it is unfortunate that the planning permission for the care home has not been delivered by the market, this is not reasonable grounds to refuse planning permission for an alternative proposal that is policy compliant.

In policy terms, as set out within the Officer's report, the site is located within the development area of Chard where residential development is firmly supported by the Local Plan. This proposal will deliver 23 No. affordable dwellings at a time when there is a proven housing shortfall across the District and an acute affordable housing need within Chard.

The report below has been updated with matters that were reported to the Area West Committee as verbal updates to the application. These matters include additional detail on the proposed parking levels, information relating to ecology, consultation responses from the Highway Authority and Somerset Waste Partnership and minor amendments to conditions".

SITE DESCRIPTION AND PROPOSAL





The site is located on the northern edge of Chard, on a corner plot between the western side of the A358 (Furnham Road) and Thordurn Park Drive on the northern edge of the site. To the north and west of the site are business units comprising part of Chard Business Park. To the south are recently constructed residential properties which was a scheme of 41 dwellings and a care home approved under reference no. 12/04283/FUL. The site forms the part of the above application site that was designated for the care home.

This application is made by Stonewater who are an affordable home provider seeking consent for 23 no. affordable dwellings. 35% of the dwellings would be secured as affordable through a Section 106 agreement, although it is anticipated that Stonewater will develop the scheme as 100% affordable. Vehicular access is proposed from David Way in the south west corner of the site. It is proposed that the internal estate road would remain private and managed by Stonewater.

The internal estate road will remain private and will be maintained by Stonewater. 39 car parking spaces are provided for the proposed dwellings, including 5 visitor spaces. It should be noted that the Somerset Parking Strategy optimum parking standards would require a total of 51.5 spaces for the development. Footpath links are provided along the internal estate road linking onto David Way. Three pedestrian links are proposed onto the existing adopted footway which links David Way and the A358.

The proposed layout is arranged around a single access road with most of the houses and flats being two storey except for the block of flats at the site entrance which would be 2 and a half stories. The development will be constructed using a mix of brick, reconstituted weatherboarding and concrete tiles.

During the course of the application amended plans were received which made alterations to plots 19, order to exclude a strip of land within the open space on the corner of the highway which is in the ownership of the District Council. Following consideration by Area West Planning Committee, further

minor alterations were made to elevations including an increase in the amount of cladding, alterations to fenestration to present a more rural style and introductions of railings to the fronts of plots 15-21.

The application is supported by the following documents:

- Application form and plans
- Design and Access Statement
- Ecology Reports (Ph 1 and Reptile Survey)
- Transport Technical Note
- Drainage Strategy
- Tree Survey
-

HISTORY

12/04283/FUL- The erection of 41 No. dwellings and 1 No. 68 bedroom care home together with associated highway infrastructure, parking, landscaping and footpath links

880194 - Outline consent for development of land as a business park and construction of a distributor road. This was approved subject to a Design Brief intended to shape future reserved matters applications and achieve high quality designs.

96/01070/FUL Erection of an industrial unit on Plot 1. This is the current application site but the permission was never implemented.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

- Policy SD1 Sustainable Development
- Policy SS1 Settlement Strategy
- Policy SS4 District Wide Housing Provision
- Policy SS5 Delivering New Housing Growth
- Policy SS6 Infrastructure Delivery
- Policy EP3 Safeguarding Employment Land
- Policy HG3 Provision of Affordable Housing
- Policy TA4 Travel Plans
- Policy TA5 Transport Impact of New Development
- Policy TA6 Parking Standards
- Policy EQ2 General Development
- Policy EQ4 Biodiversity
- Policy EQ7 Pollution Control
- Policy HW1 Provision of Open Space, Outdoor Playing Space, Sports,

National Planning Policy Framework (2018)

Chapter 2. Achieving sustainable development

Chapter 3. Plan-making

Chapter 4. Decision-making

Chapter 5. Delivering a sufficient supply of homes

Chapter 6. Building a strong, competitive economy
Chapter Ensuring the vitality of town centres
Chapter Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 11. Making effective use of land
Chapter 12 Achieving well-designed places
Chapter 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

Design
Natural Environment
Open Space, Sports and Recreation Facilities, Public Rights of Way and Local Green Space
Planning Obligations
Rural Housing
Travel Plans, Transport Assessments and Statements in Decision-taking

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

The responses from the following consultees are provided below in summary form only, for the most part. The full responses are available on the public planning file.

Chard Town Council:

First response:

That this application should be approved subject to considering the previous application and any issues with parking.

Second response:

This application should be approved but continued concerns about the lack of supporting infrastructure are noted.

County Highway Authority:

Second response:

From the information provided I do not believe that, even utilising some on-street parking, the Jarman Road scheme will lead to a severe highway safety or efficiency issue.

First response:

I refer to the above-mentioned planning application received on 9 January 2019 and after carrying out a site visit on 28 January have the following observations on the highway and transportation aspects of this proposal:-

In the event of permission being granted, I would recommend that the following conditions are imposed:-

- o No development shall commence unless a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include:
- o Construction vehicle movements;
- o Construction operation hours;
- o Construction vehicular routes to and from site;
- o Construction delivery hours;
- o Expected number of construction vehicles per day;

- o Car parking for contractors;
- o Specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice;
- o A scheme to encourage the use of Public Transport amongst contractors; and
- o Measures to avoid traffic congestion impacting upon the Strategic Road Network.
- o On-site vehicle wheel washing facilities

o The proposed development shall be served by a new access constructed in accordance with 3821-BB-SP-00 -DR-A-101 Revision D

o Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.

o The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

o The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

o The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

o In the interests of sustainable development none of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

o None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed and connected to the existing system in the area in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: To ensure the dwellings hereby permitted are provided with a suitable access road and appropriate pedestrian and cycling infrastructure in the interests of highway safety and efficiency and in accordance with policy TA5 in the South Somerset Local Plan.

SSDC Community, Health and Leisure:

A contribution of £58,987.00 (£2,565 per dwelling including a 1% administration fee) is sought towards the increased demand for outdoor play space, sport and recreation facilities, should the scheme be approved. The following contribution request is made:

- £42,144 capital contribution towards local facilities comprising the following:
- § £18,278 towards equipped play and youth facilities at the 'plot 5' open space
 - § £8,428 towards the development of a new playing field at Forton rangers FC
 - § £15,407 towards the provision of new changing facilities at or adjacent to Forton Rangers FC.

- £16,290 commuted sum (for ongoing maintenance) comprising the following:
- £9,935 towards equipped play and youth facilities at the 'plot 5' open space.

- § £5,116 towards the new playing field at Forton Rangers FC
- § £1,239 towards new changing facilities at or adjacent to Forton

It is recommended that the contribution towards local play be paid prior to the occupation of 25% of the proposed dwellings and that the contribution towards playing pitches and changing facilities be paid prior to occupation of 50% of the proposed dwellings.

Police Crime Prevention Design Advisor:

Please ensure that cycle stores have adequate security on the doors (digital pad) and that they have roofs as none shown on any plans?

County Archaeology:

'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

SSDC Housing:

Policy requires 35% affordable housing split 80:20 affordable: intermediate product.

This new split is evidenced in the Mendip, Sedgemoor, South Somerset and Taunton Deane Strategic Housing Market Assessment (October 2016).

This would be 8 of the currently proposed 23 units and they would be split:- 6 for social rent and 2 for other intermediate affordable housing solutions.

I would like to propose the following property mix:

Social Rent

2 x 1 bed flats

2 x 2 bed flats

2 x 2 bed houses

Other intermediate affordable

2 x 2 bed houses

I would expect our prevailing minimum space standards should also be adhered to:

1 bedroom flat 47 sqm

2 bedroom flat 66sqm

2 bedroom house 76 sqm (86 sqm if 3 storey)

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

In the event of more than 35% being delivered, the tenure composition of the 35% secured by the S.106 would be subject to the agreement of the Housing Development Officer.

I would expect the affordable units to be pepper potted throughout the site, that the units are developed to blend in with the proposed housing styles and prefer the dwellings to be houses or if flats have the appearance of houses.

I also expect that the rented units will be made available to anyone registered on Homefinder Somerset.

The s106 should also include a schedule of approved housing association partners for delivery of the affordable units. Currently our main partners are:

Bournemouth Churches Housing Association (BCHA)

Knightstone Housing

Stonewater Housing and,

Yarlington Housing Group

The Housing Development Officer to be informed of the selected HA prior to commencement of the development.

SSDC Ecologist:

I'm satisfied with the conclusions of the Preliminary Ecological Assessment (Encompass Ecology, March 2018). Other than the issues detailed below, there aren't considered to be any other significant ecological constraints.

Reptiles

Slow worms could potentially be present on site due to the presence of suitable habitat.

Slow worms are a declining species and have consequently been included as a 'priority species' for the conservation of biodiversity (section 41 of the NERC Act 2006). They therefore need to be taken into account in the planning process.

They are also legally protected (Wildlife and Countryside Act 1981, as amended) against deliberate and reckless harm or killing (such as could occur from construction activity). However, the legislation protects only the animals themselves and not specifically their habitat. Consequently, provided they can be accommodated within areas free from harm within or adjacent to the site, or moved to a suitable receptor site elsewhere, their presence isn't a significant constraint to the proposed development.

However, further details on mitigation measures to avoid or minimise harm will be required. I recommend a condition in this respect:

The development hereby permitted shall not be commenced (including any ground works or site clearance) until a survey to determine presence/absence of slow worms, plus if present, a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

Biodiversity enhancement

NPPF expects development to deliver some enhancement for biodiversity. This can include incorporation of features beneficial for wildlife (e.g. native species planting, bird and bat boxes) within new developments. I recommend a condition requiring submission of details of measures to be provided for the enhancement of biodiversity:

Prior to the commencement of development, details of measures for the enhancement of biodiversity (e.g. bat and bird boxes, wildflower sowing and management) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF and Local Plan Policy EQ4.

An alternative to the pre-commencement condition would be for the applicant to provide this information prior to determination, and its implementation to be made the requirement of a condition.

I consider the measures recommended in the survey report are appropriate.

Natural England:

No comments to make.

Local Lead Flood Authority:

As the site already has planning permission for development, and this is a change of part of the site

from care home to residential use, there is no objections to the proposals. The extension of the existing geocellular storage would appear to be a pragmatic approach to drainage at the site, although if other SUDS can be used within the site these should be explored as part of detailed design. These are more likely to have a source control or treatment element.

A standard sustainable drainage condition should be applied here.

SWP:

No objections to refuse collection arrangements.

Wessex Water:

No comments received.

Lead Local Flood Authority (County Council Drainage):

No objection subject to a drainage condition.

Somerset Waste Partnership:

Although we prefer each property to be able to have a direct collection outside their own house (it gives more responsibility to the resident when it is outside their own house, and reduces the risk of communal collection/anti-social behaviour/litter problems with waste left out 24/7, flytipping etc.), the proposal attached does fall within national guidelines as stated below. The communal collection points will be Stonewater's responsibility to maintain/clear in the event of problems post-occupation.

Somerset County Education:

No comments received.

REPRESENTATIONS

Following consultation, 2 letters of representation have been received: 1 objecting and 1 making general observations on the development. In addition a representation from Somerset Wildlife Trust has been received making comments on the application. In addition a representation has been received from Persimmon Homes objecting to the proposal.

The objections make the following comments:

Highways and parking:

Development will result in the loss of 12 visitor parking spaces that were secured under the 2012 permission for the adjacent housing and care home as these spaces will be allocated to the new dwellings.

General parking congestion in the area will be made worse.

Concerns over loss of privacy between facing windows.

Access opposite the gym would result in less severe impact on existing residents in David Way.

Proposed open space in a poor location, dangerous for children on a main road.

Adverse impact on wildlife and protected species.

Other Issues:

Harm to amenity as a result of noise/disturbance from proposed parking areas in proximity to existing dwellings

CONSIDERATIONS

Five Year Land Supply:

The Council currently cannot demonstrate a 5 year land supply. Accordingly, Paragraph 11 of the National Planning Policy Framework is engaged. For decision making, this states that:

"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

The above paragraph describes what is often referred to as the 'tilted balance' which is currently engaged for decision making in South Somerset. It partially shifts the focus from the relevant development plan policies to the other material considerations and impacts of the development. It should be noted that the degree of weight given to relevant development plan policies in this context is a matter for the judgement of the decision maker.

Principle of development/sustainable development:

The Local Plan identifies Chard as a Primary Market Town and accordingly Policies SS1 and SS5 provide support in principle for residential development. Policy SS5 sets out that Chard provides 1852 dwellings over the plan period. The Local Plan Review has established that it is established that housing delivery to date in Chard is significantly below the Local Plan target (-996 dwellings).

The site is located on land that was originally permitted in reference 880194 as part of 'Chard Business Park' and the site was known as 'plot 1'. There was also a subsequent permission in 1996 under reference 96/01071/FUL for the erection of an industrial building on the site. This permission lapsed and was never implemented. It is also noted that the business park was never an allocated site for employment purposes, rather it was subsumed by the development area for Chard and as such there is a general presumption in favour of development, including residential as well as employment.

Other than these approaches there was not a standard marketing exercise whereby the site was marketed in publically accessible sources for a period of time. It should be further noted that in permission for housing in 2012 it was accepted that the applicant had marketed the site unsuccessfully for employment use. The permission was partially based on the fact that the care home would generate a number of jobs and would provide much needed elderly accommodation.

In 2012 full planning permission was granted for the site as a care home along with 41 dwellings adjacent to it which have been completed and occupied. The care home was never developed and that part of the 2012 site remained derelict. The applicant has provided additional evidence of the direct marketing that was undertaken, including details of correspondence between the agent, landowner and potential care home providers. These approaches took place between 2013 and 2016.

This information provides evidence that suggests a lack of interest from these care home providers for reasons such as the size and location of the site. Evidence from the Land registry demonstrates the sale prices of two sites to care home providers- a 1 acre site at Cooksons Orchard, Preston Grove Yeovil which sold for 1 million and a 1 acre site at Stockmoor Village, Bridgwater which was sold for £990,000.

It is noted that there is a need for care home places. The current figures via the homefinder list confirms that 19 individuals have recorded their preference for 'extra care'; accommodation. The figure for individuals in need of affordable accommodation in Chard is approximately 200. It is also noted that the Somerset SHMA notes that Somerset has an above average proportion of older residents. It also references figures from the ONS that predict a 57.5% increase in the number of over 65s in the county from 2014 to 2039. These figures demonstrate that there is a need both for care accommodation and affordable housing.

The Council currently cannot demonstrate a 5 year housing land supply and there is a recognised severe shortage of affordable housing across the district. A number of years have passed without the carehome being delivered through the market. If permission is refused for housing, it is not known whether or

when the care home proposal may be delivered.

Against the above context, the lack of 5 year land supply and the benefits of housing provision, it is considered that there are insufficient grounds to refuse permission on the basis of the loss of the care home accommodation and associated employment. Accordingly it is considered that the proposal is on balance acceptable in principle.

Character and appearance

The overall density and layout of the scheme would be acceptable. Following consideration at Area West committee, amended plans have been submitted making minor alterations to the design of the scheme. These alterations include increasing the amount of cladding within the scheme, introduction of railings to the front of plots 15-21 and alterations to fenestration to give a more rural appearance. These minor amendments are considered to be acceptable.

A planning condition is considered reasonable and necessary to agree details and samples of the proposed materials prior to the construction. Subject to conditions it is considered that the proposal would have an acceptable impact on the character and appearance of the area and would therefore accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Highway Safety

The application is supported by a Transport Statement. This has been assessed by the County Highway Authority who did not object to the application in relation to the traffic impact which includes considerations such as the number of vehicles generated, access and parking.

Following receipt of the Highway Authority comments, it has been noted that 12 parking spaces located on Jarman Way that were included within the scheme in 2012 were not subsequently provided. The lack of these spaces would mean that the existing residential development is substandard in terms of parking provision and has a shortfall of 14 spaces (not taking into account the visitor requirement) or 22 if the visitor requirement is included. In addition to the above, the proposed development which would utilise these 12 spaces for the new development as opposed to the previously approved development would provide a shortfall of 12 spaces not including visitors or 13 including visitor provision. The total combined shortfall would be 26 for residential provision only and 35 if the parking strategy standards for visitor parking are included.

The applicant has subsequently submitted a parking survey to provide evidence to the Highway Authority as to the capacity of the local road network to accommodate additional parked cars. The survey was undertaken at times of peak use in the early morning and evening. The survey identified an average space utilisation in St Davids Way of 48.5%. The Highway Authority have considered this information and subsequently commented that the impact of the level of parking on the wider highway network is unlikely to be severe.

The applicant has not proposed a travel plan, however Policy TA4 of the Local Plan requires that a measures only travel plan is secured. An appropriate conditions is therefore included within the decision notice.

Subject to the above conditions it is considered that the proposal is appropriate in relation to highway safety and accord with policy TA5 of the South Somerset Local Plan (2006-2028).

Residential Amenity

The impact on existing residents in terms of overlooking, overshadowing and general noise and disturbance is considered to be acceptable. Amended plans were received to ensure that the impact on existing dwellings, in particular existing dwellings facing plot 21 the front of plot 21, an end of terrace with Nos 19 and 20. These have been reconfigured to ensure that plot 21 does not face the existing dwellings, rather it is orientated with a gable end facing adjoining occupiers. This combined with the separation distance of approximately 8 metres is considered to be acceptable.

In relation to plot 22, the impact is considered on balance to be acceptable. The gable end would be located approximately 4.5 metres away, however this would be located to the north of the adjacent flats and therefore would not impinge on direct light levels. Additionally the floor layouts of the adjacent flats indicate that kitchen and bathroom windows would be affected. The bathrooms are not considered to be habitable rooms and the kitchen is a full depth open plan room which is served by a south facing window on the opposite elevation. Given the orientation and presence of a south facing window that would be unaffected, it is considered that the impact would be acceptable.

Having regard to the above, it is considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Planning Obligations

Sports and leisure-

The SSDC Community, Health and Leisure department have sought contributions towards local and strategic outdoor playing space, sport and recreation facilities of £58,987.00. The applicant has contended that the scheme is not viable with this level of contribution and accordingly an assessment by the District Valuer (The DV) has been commissioned.

The DV report has taken into account a reasonable gross profit value, normal costs and a reasonable profit. Disregarding the actual price paid for the land, the DV concludes the land value would have to be a 'negative' for development to come forward and a fair profit made. Therefore in principle the S106 community benefit cannot be afforded by the scheme. It is assumed that government grant will allow the scheme to move forward.

Affordable housing-

It is proposed that the development will meet the District Council's requirement for 35% affordable housing. Although it is anticipated that the scheme will provide a 100% affordable scheme, the Section 106 will secure delivery of 35% in accordance with Local Plan Policy.

The details of the mix of units to be delivered as affordable will be secured and delivered through the S.106 legal agreement. Accordingly it is considered that the proposal would comply with Policy HG3 of the South Somerset Local Plan (2006-2028).

Drainage

The County Council Local Lead Flood Authority have been consulted and do not object to the proposal subject to a standard condition to secure details of surface water drainage. A drainage scheme was agreed across the site when the care home was approved, however it is likely that minor variations would be required. A condition is proposed to secure the drainage details prior to commencement of the site outside a defined area at the site entrance where a commencement can be made. Subject to this condition it is considered that the proposal would accord with Policy EQ1 of the South Somerset Local Plan (2006-2028).

Ecology

The applicant has submitted a preliminary ecological appraisal, reptile survey and interim slowworm mitigation strategy. The Council's Ecologist was consulted but they did not take into account the reptile survey and accordingly recommended that a condition secures a slow worm survey.

The reptile survey has shown that there are slow worms present on the site. The subsequent mitigation strategy outlines an initial limited clearance on a specific part of the site to allow the applicant to commence works on the access only. This is considered to be acceptable. A further mitigation strategy will be secured prior to works taking place on the remainder of the site.

Conclusion

Having regard to the above it is considered that the proposal would comply with the relevant development plan policies relating to character and appearance, residential amenity and the principle of development.

The Planning committee will be updated on parking issues and sports and leisure contributions at the planning committee.

RECOMMENDATION

The recommendation is to approve subject to the following:

The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- a) Ensure the delivery of 35% affordable housing, 80:20 in favour of social rented accommodation over other intermediate types (to the satisfaction of the Local Planning Authority) or an alternative tenure mix to be agreed with the Local Planning Authority in the event that the scheme delivers more than 35% affordable housing.

And

- b) The following conditions:

01. The provision of housing in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the policies of the South Somerset Local Plan (2006-2028) and the aims and objectives of the National Planning Policy Framework (2018).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. Other than as required by conditions, the development hereby permitted shall be carried out in accordance with the following approved plans: Issue sheet dated 27th March 2019 only.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development hereby approved shall be carried out on each of the following until particulars of the relevant detail have been submitted to and approved in writing by the Local Planning Authority;
 - a.) a schedule of materials (including the provision of samples to indicate colour and finish where appropriate) to be used for the external walls and roofs;
 - b.) details of all hard standing to serve the dwellings hereby approved, including hard standing for footpaths and parking spaces;
 - c.) panels of brickwork and stonework shall be provided on site for inspection;
 - d.) details of the materials, colour and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
 - e.) particulars of boundary treatments and hard surfacing materials.
 - f.) details of meter cupboards and gas boxes, including location, colour and finish;

Once approved such details shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The scheme of landscaping, illustrated on plan no. 3821-BBLA-SP-XX-DR-L-210 Rev. C shall be carried out and completed no later than in the first planting and seeding season following the first occupation of any of the dwellings hereby approved. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the character and appearance of the area in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

05. No development, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. 3821-BB -SP -00 -DR-A-121, shall take place until a surface water drainage scheme based on sustainable drainage principles together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall ensure that surface water runoff post development is attenuated on site and discharged at a rate and volume no greater than greenfield runoff rates and volumes. Such works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage in accordance with the NPPF (2018) and Policy EQ1 of the South Somerset local Plan (2006-2028).

06. The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

07. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

08. The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

09. None of the dwellings hereby permitted shall be occupied until a scheme of street lighting has been installed in accordance with a design and specification to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

10. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

11. The proposed access shall be constructed generally in accordance with details shown on the submitted plan, drawing number 3821-BB-SP-00 -DR-A-101 Rev. D, and shall be available for use before prior to first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

12. The development hereby permitted shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

13. There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of a line drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 25 metres to the south east of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to comply with Policy TA5 of the South Somerset Local Plan (2006-2028).

14. Prior to the occupation of the development, a Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. Such Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures and for the monitoring of travel habits. The development shall not be occupied unless the agreed measures are being implemented in accordance with the agreed timetable. The measures should continue to be implemented as long as any part of the development is occupied.

Reason: To promote and encourage sustainable modes of travel to accord with policies TA1, TA3, TA4, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

15. No development shall take place, other than works associated with the construction of the vehicular access up to base course level within the area outlined in green on Dwg No. 3821-BB -

SP -00 -DR-A-121 in accordance with the interim slow-worm mitigation strategy dated March 2019, until a site-wide mitigation strategy detailing measures for the translocation of slow-worms from the site has been submitted to and approved in writing by the local planning authority. The continuation of works shall be implemented in strict accordance with the approved details, unless otherwise approved in writing by the local planning authority.

Reason: For the protection and conservation of a priority species in accordance with policy EQ4 of the South Somerset Local Plan, NPPF and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

16. A scheme of ecological enhancements (e.g. bat and bird boxes, wildflower sowing and management), including a timetable for implementation shall be submitted and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby approved. The approved scheme shall be carried out and completed accordance with the approved details.

Reason: To ensure ecological enhancements in accordance with Chapter 11 of the NPPF (2012).